



2003 City of Chandler Council Minutes

January 09, 2003

January 23, 2003



February 13, 2003

February 27, 2003

March 13, 2003

March 27, 2003

April 10, 2003

April 24, 2003

May 08, 2003

May 22, 2003

June 12, 2003

June 26, 2003

July 21, 2003

July 24, 2003

August 14, 2003

August 28, 2003

September 02, 2003

September 11, 2003

September 25, 2003

October 09, 2003

October 23, 2003

November 06, 2003

November 20, 2003

December 15 , 2003

December 18, 2003

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, January 9, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

Also in attendance:

Donna Dreska	City Manager
Pat McDermott	Assistant City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Marian Stanley, Nachie Marquez, Mark Eynatten, Garrett Newland, Patricia Walker, Karen Barfoot, Doug Ballard, Bryan Patterson.

INVOCATION: The invocation was given by Reverend Tom Rakoczy - First Assembly of God.

PLEDGE OF ALLEGIANCE: Councilmember Bruno led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Proclamation - Celebration of Unity:

MAYOR DUNN requested that MARY FACHMAN, Chair of the Human Relations Commission, join him at the podium as he read a proclamation honoring the upcoming 4th Annual Celebration of Unity event that will be held in the City of Chandler on January 17 and 18, 2003. The Celebration of Unity, in partnership with the Chandler Multi-Cultural Festival, seeks to ensure that the equality of all people is recognized as a true and basic element of humanity. The event provides an opportunity to celebrate the ideals and creativity of the essay writers who will be honored at this meeting tonight. He invited all citizens of Chandler to participate in the events and proclaimed January 13th through 19th, 2003 Celebration of Unity Week.

MS. FACHMAN said that on behalf of the entire Human Relations Commission it is an honor to accept the Proclamation and encouraged the members of the community to participate in the Celebration of Unity event, which commemorates the birth date of Dr. Martin Luther King, Jr. She advised that the first event will be "Lunch with an Astronaut," to be held at the Sheraton San Marcos Resort, and noted that Dr. Mae Jemison, the first Black female astronaut in space, will be the featured guest speaker.

2. Recognition of Celebration of Unity Contest Winners:

MAYOR DUNN requested that PAUL POGANY, Barnes & Noble Community Relations Manager, to join him at the podium to assist in the gift certificate presentation. He said that a number of very talented writers are about to be honored for the essays they wrote as part of the Celebration of Unity Essay Contest. He reiterated that next week Chandler will celebrate its fourth annual Celebration of Unity event and this 2-day series of events will feature Chandler's 8th annual Multi-Cultural Festival next Saturday at the Library. The Mayor thanked the members of the Human Relations Commission and Staff for their efforts in planning this worthwhile event.

MAYOR DUNN said that a major part of this celebration is the culmination of a Citywide essay contest that was coordinated by the Human Relations Commission and, more specifically, by Commission Members Dr. Susan Horan and Joel Hunter. He also thanked Paul Pogany and Barnes & Noble for their sponsorship of the contest and noted that Barnes & Noble has generously pledged \$200 in gift certificates to each winning school in addition to gift certificates for all of the winners. He reported that in all, Barnes & Noble has contributed over \$1,000 to the event and, on behalf of the Council and the community, thanked Mr. Pogany and the management and employees of Barnes & Noble for their continuing support and contributions to the entire community.

MAYOR DUNN said that the Celebration of Unity essays were judged by volunteers from a number of organizations and agencies and thanked the judges for their participation. He stated that there were winners in three grade categories, grades 4 through 6, 7 through 9 and 10 through 12 and announced the names of the following winners and their schools:

<u>Grades 4 through 6:</u>	Kim Donnelly	Basha Elementary
	Ryan Kovalchick	Basha Elementary
	Nathan McDonald	Basha Elementary
	Dennis Fries	Anderson Elementary
Grand Prize Winner:	Amanda Mitchell	Basha Elementary School

The Mayor stated that Amanda was accompanied by Basha Elementary's Dean of Students, Jenni Branington.

<u>Grades 7 through 9:</u>	Caitlyn Henderson	Hamilton High
	Stephanie Naufel	Corona Del Sol
	Taylor Lee Teets	San Tan
	Curt Tyler	San Tan
Grand Prize Winner:	Tess Ann Menzies	Aprende Middle School

The Mayor stated that Tess was accompanied by School Principal Jerri Shaw.

<u>Grades 10 through 12:</u>	Nick Balken	Hamilton High
	Erin Keller	Corona del Sol
	Jonathan Parks	Corona del Sol
	Tong Ke Xue	Hamilton High
Grand Prize Winner:	Lauren Cunningham	Hamilton High

The Mayor stated that Lauren was accompanied by School Principal Fred DePrez.

MAYOR DUNN and MR. POGANY presented the winners with their prizes and congratulated them on their success.

It was announced that the winning essays were compiled in a notebook and will be on display at the Celebration of Unity luncheon on Friday, January 17th and additional copies will be available at the City's offices.

The Mayor thanked all of the students who participated in this event and said that everyone who wrote an essay is a winner. He also thanked all of the teachers and administrators of the schools who encourage their students to enter these types of contests. He reiterated his appreciation to Barnes & Noble for their continuing support and generous donations.

3. Greg Dutton - Recognition of Chandler Police Dept.:

GREG DUTTON, 4683 West Tara Drive, said he and his wife have lived in Chandler for 15 years and he participated in the 12-week Citizens' Police Academy and had the opportunity to get to know many officers in the Department and Chief Harris. He stated that he learned first hand what a great Police Department Chandler has and witnessed an enviable sense of camaraderie and heard Chief Harris referred to by sworn officers and civilian employees as well with great admiration and respect. He added that he would like to recognize the members of the Chandler Police Department on behalf of the Twelve Oaks and Stellar Air Park communities and said that thanks to the diligence of the City's beat officers and their willingness to partner with the community, two problem houses that brought drug and gang related activities into the neighborhood have been eradicated. He added that a series of burglaries in the area has also been stopped and said that the residents are very grateful. He said that letters of commendation will be sent to Chief Harris, the City Manager and Mayor Dunn acknowledging the hard work and effort the officers have put forth. He also discussed the results of a request he made for information relative to the Department's policies and procedures and said that all of the information and statistics he received supports and enhances his belief that Chandler's Police Department is top notch and should be recognized for the outstanding service they provide.

4. Dawn Snedigar - Training Hours Discrepancies:

DAWN SNEDIGAR said that on July 14th, Lt. Ebert, who is a SAU leader on the team, was instructed to put together a report on training hours for the last year so that the City Manager could review what has transpired and what has been implemented. She stated that the resulting memorandum was reviewed and signed off by Assistant Chief Gaylord and Chief Harris and forwarded to the City Manager as a basis for information regarding training hours. She said that on October 3rd, Officer Lavoy, along with ten other SAU officers, also submitted a memo through the invitation of Chief Harris and his open door policy to let him know about issues or problems that existed in the Department. She reported that the information relative to training hours that was listed in Officer Lavoy's memo differed significantly from the data contained in Lt. Ebert's report, a discrepancy totaling over 100 hours of training. Mrs. Snedigar stated the opinion that when Chief Harris noticed the difference in total hours, he should have summoned the authors of both memorandums to his office to determine why the discrepancy existed. She said this was not done and instead the issue was pushed aside and nothing was said until it was again raised on November 27th when Councilmember Wallace requested that Donna Dreska obtain information relative to the discrepancy that existed between the two reports. She said that Chief Gaylord then authored a memorandum containing his interpretation of the total training hours and added

that the information contained in his report is more similar to the information contained in Officer Lavoy and the other officers' memo than the data submitted by Lt. Ebert.

MRS. SNEDIGAR said she has concerns regarding a number of misstatements that are being made and she believes that the Police Chief should be held just as accountable as the officer who is fighting to get his job back after he was fired for allegedly lying. She added that Chief Harris and Assistant Chief Gaylord are just as responsible as Lt. Ebert and should be dealt with in the same manner.

In response to a question from COUNCILMEMBER WESTBROOKS, Mrs. Snedigar explained that an SAU Officer is basically the same as a SWAT Officer, and the members are part of the Special Assignment Unit and handle high risk, critical situations. She also responded that Lt. Ebert reported a total of 192 hours of training and Officer Lavoy and the other officers stated in their memo that there was a total of 42 hours of actual training.

City Manager DONNA DRESKA stated that a Committee was formed after the third memorandum was submitted to determine the actual number of training hours. She said that the Committee finished their work this afternoon and she has not had the opportunity to read their report, which was submitted at approximately 4:30 p.m. today. She indicated her intention to forward copies of the report to the members of the Council once she has had an opportunity to review its contents. She discussed the composition of the committee and confirmed that staff from the Police Department served as members of the committee, including Lt. Ebert and Officer Lavoy. She added that Assistant Chief Gaylord was not a member of the committee.

COUNCILMEMBER WALLACE commented that following the shooting death of Officer Snedigar, she was approached by Mrs. Snedigar and asked to pursue increasing the number of hours of team training the SAU officers received. Mrs. Snedigar confirmed this fact and said that she received a commitment that 16 hours of team training would be provided. She said that she decided to come forward on this matter because she had heard that morale at the Department is very low because the training is not being provided and mistakes are being made.

MAYOR DUNN thanked Mrs. Snedigar for her comments and urged the City Manager to forward the Committee's report and recommendations to the Council as soon as possible.

5. Amy Higgins - Gratitude towards Chandler Police Dept.:

AMY HIGGINS, a five-year civilian employee in the Chandler Police Department, said she is present to show her support for the Department and for its Chief, Bobby Joe Harris. She stated that she is not representing the Chandler Police Department at this time, only herself, and said that Chief Harris has made ethics a priority in his life. She discussed the high standards that exist in the Department and commented on the Chief's interaction with his employees and willingness to stand up and support righteous endeavors. She stated the opinion that training is a priority within the Chandler Police Department and added that Chief Harris' encouragement in this area has positively impacted her. She said that Chandler citizens should be proud that they are served by the Chandler Police Department and Chief Harris.

6. John Retzger - Changes Forthcoming in the Police Dept. & City:

JOHN RETZGER said that for over a year he has been appearing before the City Council and discussing problems that exist in the Police Department, the City Attorney's Office and the City

Manager's Office. He stated the opinion that Chief Harris should be removed from his position and urged the Council to give Mrs. Snedigar the answers to the questions she has posed.

7. Jim Tollefson - Plea of City Council Leadership:

JIM TOLLEFSON, a resident of Chandler and Lieutenant with the Chandler Police Department, said that he is speaking as a citizen and not on behalf of the Department. He stated his concern with the recent attacks on the Department. He commended Vice Mayor Huggins and Councilmembers Anderson and Caccamo for the ongoing support they provide the Department. He also stated the opinion that by calling for the County Attorney's office to conduct an outside investigation into the shooting death incident that took place at Walgreen's, Councilmember Westbrooks showed a lack of confidence in the professional men and women in the organization. He also spoke in opposition to Councilmember Westbrooks' request for Chief Harris' resignation. He discussed the positive influence Chief Harris has had on his life and said that he is a loyal, ethical and dedicated leader.

MR. TOLLEFSON also stated the opinion that Councilmember Wallace has made repeated, unsubstantiated attacks on Chief Harris and added that he believes she has a personal vendetta against the Chief. He urged the Mayor and Council to allow the City Manager to do her job and the Police Chief to continue to do his job. He said that in-house, existing policies and procedures should be followed and the Department should be given the opportunity to address problems and issues when they arise. He emphasized that processes are in place to address issues and those processes should be given the opportunity to work.

COUNCILMEMBER WALLACE responded to statements made by Mr. Tollefson. She said that approximately three years ago, the Chandler Law Enforcement Association (CLEA) was formed in Chandler and more than half of the Department are members of CLEA. She added that an association of this type forms only when a lack of leadership and management exists with a Department.

In response to a question from Councilmember Wallace, Mr. Tollefson said that he used to serve as the president of such an association in Wisconsin and added that the organization was not formed because problems existed. He added that great support and admiration for both the Chief and the Department existed and 100% of the officers belonged to the Association, which was formed for the purpose of negotiating wages and other similar issues.

COUNCILMEMBER WALLACE said that she has heard numerous complaints relative to the unfair environment that exists within the Department, one of intimidation and retribution, particularly for officer level positions and stated the opinion that the officers do not have a voice within in the Department, and therefore it is important for someone else to provide them one.

COUNCILMEMBER WESTBROOKS commented on an e-mail that was sent by Mr. Tollefson from work, expressing personal beliefs to members of the Department and asked whether this was a violation of the City's e-mail policy. City Attorney DENNIS O'NEILL advised that personal e-mails are limited in accordance with the City's e-mail policy and added that the Police Department and the City Manager are looking into this matter. In response to a request from Councilmember Westbrooks, Mr. O'Neill said that he will obtain a timeline on when the results of the e-mail investigation will be available and provide that information to him.

MR. TOLLEFSON commented that the e-mail message was a statement advising what he was going to do but was sent under the title of "public speaking by City employees, staffing for the

upcoming City Council Meeting, scheduled public appearances." He added that up until 7 p.m. this evening when he went on vacation to attend this meeting he was the Shift Commander for the City of Chandler and said that it was his duty to arrange for scheduling. He said that the purpose of the e-mail message was twofold, to let people know that he wasn't going to be there because he would be speaking to Council and to advise that if anyone else wanted to do that, it was first come, first served for scheduling. He added that he will accept the results of the investigation when they are forthcoming, whatever those results may be. In response to Councilmember Westbrook's request, he read the remaining contents of the e-mail.

COUNCILMEMBER WESTBROOKS stated that he does have confidence in Chandler's Police Department and has said so from the beginning. He added that he also believes that there are areas within the Department that need to be improved upon, and that is the reason for his actions and statements over the last month. He discussed a request he made for information regarding the number of lawsuits and claims that the City has paid out as a result of Police Department actions over the last five years. He reported that during that timeframe, over \$3.1 million taxpayer dollars have been paid out.

COUNCILMEMBER WESTBROOKS said he also requested information on lives lost, based on use of force, and learned that 7 lives were lost, two of whom were officers, not including Officer Nelson. He advised that compared to other cities, these statistics are high, both in the number of lives lost and in taxpayer monies being paid out in response to lawsuits and claims. He added that other lawsuits and claims are pending and stated the opinion that over the next few years millions more will be paid. He said that as an elected official, it is his duty to bring information like this to the attention of the public and to take steps to improve the situation.

MR. TOLLEFSON requested that the "gag order" be removed and that Chief Harris be allowed to respond to the allegations that have been raised regarding his actions and the operations of the Police Department.

COUNCILMEMBER WESTBROOKS commented on the fact that Police Chief has First Amendment rights and the ability to come forward just as Mr. Tollefson has to address the Council and provide input and debate what he believes to be true.

COUNCILMEMBER WALLACE stated that a number of Police Department personnel have come to her and stated that they do not have a fair environment in which to be heard and share concerns within the Department. She reiterated her opinion that an environment of intimidation exists and added that many of those employees at levels of rank lower than Mr. Tollefson's do not share in the opportunities that are available to higher-ranking personnel.

8. Jeff Pehlke - Plea of City Council Leadership:

MAYOR DUNN advised that Mr. Pehlke was not present to address his remarks.

9. Keith Benjamin - Please of City Council Leadership:

MAYOR DUNN advised that Keith Benjamin was not present to address his remarks.

10. Steve Henry - Plea of City Council Leadership:

STEVE HENRY addressed the members of the Council and said that he is a Sergeant with the Chandler Police Department, speaking as a citizen at this time, in a plea for leadership. He said that the City of Chandler has a mechanism in place that allows an employee to bring a concern or problem to the attention of his or her supervisor. He stated that if the concerns are not met, the mechanism allows the employee to take that concern up the line of supervision, known as "the chain of command." He noted that the last decision maker in the Department is the Department Head and that is who issues are brought to if the employee feels that the issue has not been properly addressed. He said that if no satisfaction results, the employee can then pursue the grievance process, which is finally handled at the City Manager level.

MR. HENRY stated the opinion that the mechanism currently in place is one that bypasses that entire system and allows the employee to go straight to the City Council. Mr. Henry advised that as a supervisor, proceeding in this manner greatly inhibits his ability to perform and spoke in support of adhering to the policies and procedures that are in place, ensuring that all members of the Council follow those regulations as well.

Mayor Dunn asked if Dale Walters was present to address the City Council. Mr. Walters was not present to address his comments at this time.

UNSCHEDULED PUBLIC APPEARANCES:

DANIEL GREENE said that he has been an officer with the Chandler Police Department for the past seven years and is speaking as a concerned citizen at this time. He discussed an incident that occurred in May 2001 when he provided assistance to a Chandler Zoning Officer who was in the process of issuing a citation. He said that the citation recipient displayed a poor attitude, belligerent behavior and aggressive action. He added that despite putting forth his best efforts to convince the citizen to sign the citation, the person refused and although he explained several times that a signature was mandatory and that without it, he would have to be arrested according to State Law and City Code, the citizen refused to comply. Mr. Greene said that when he tried to place the man under arrest, he resisted and repeatedly tried to go back into his house. He said that the man was holding a camera in one hand and a lit cigar in the other and at one point he raised the camera over his head indicating that he was going to use it as a weapon. He stated that he used only the force that was necessary and justified to control the man and eliminate the threat he posed to him and others. He reported that the man was taken into custody without injury and as he walked the man back to his patrol car, the man shouted to his wife a list of names, including the names of a couple of City Councilmembers who still serve on the Council.

MR. GREENE advised that upon returning to the Police Station, he received a telephone call from one of the Assistant Police Chiefs who already knew that the man had been placed under arrest and wanted to know what had transpired and why. He added that the same day he also received a telephone call from a reporter with the Arizona Republic who informed him that the man he had arrested had made allegations that excessive use of force was used in his arrest. He said that his name and the incident received a large amount of negative publicity, including quotes in the newspapers from members of the Council referring to his actions as "Gestapo like," a comment that he did not appreciate then and does not appreciate now. He urged the Council to stop the political posturing that has been occurring and to help remove the poor image that many have helped to create.

PAM ARMSTRONG, addressed the Council and said that she scheduled time this evening to speak about her pride in working for the Chandler Police Department and Chief Harris but in light of a recent newspaper article regarding Chandler Police Department employees speaking, she cancelled her time. She said that the reason she cancelled was because she herself felt intimidated by the press and others who seem intent in viewing any free speech by supporters not as what it is, which would be true honest support, but as something more devious. She asked when it became an example of intimidation to speak publicly about how much you like your job and your boss. Ms. Armstrong said that she is proud to work for the Chandler Police Department and urged Chief Harris to remain in his current position and help the City get through the tough times it is currently experiencing.

EMMA BRIBIESCAS said that she works for the City of Chandler and is here to express her personal opinion regarding the Chandler Police Department and Chief Harris. She stated that the Chief has served the Department diligently over the past 32 years and has provided the best leadership that the Department and the City has ever known. She spoke in opposition to rumors and unsubstantiated claims that have been made against the Chief and the Department as a whole and added that many of those statements are being made by members of the Council. She said that Chief Harris has initiated appropriate action against members of his Department who have broken the rules and said he should be commended rather than condemned for carrying out his responsibilities in this manner. She requested that the members of the Council remain logical and fair and abandon any political agendas they may have in the interest of the City of Chandler.

SALLY HENRY said that she served as a police and fire dispatcher with the Chandler Police Department and later was responsible for the development of the Victim Services Program. She said she has concerns regarding what she believes to be inaccurate information that has been stated at Council meetings, the true safety of Police Officers, and what she feels is a "witch hunt" against Chief Harris. She discussed the incident involving the death of Officer Snedigar and stated the opinion that a large amount of inaccurate and misleading statements were made regarding that incident. She noted that the situation involved three criminals, possibly armed, at large in an occupied apartment complex and challenged the comments contained in a letter that was read at the December 19th meeting relative to the fact that a "hostage situation" did not exist. She questioned the author of that letter's qualifications to make those statements and come to the conclusions she did in her letter. She stated the opinion that officers' lives are at risk every day and an independent review and/or additional training will not change that fact.

FRANK PEAKE, 1199 North Melody Circle, said that he is not in any way associated with the Chandler Police Department and is here representing himself and his family as citizens of Chandler. He stated that he fully supports the right of all citizens to speak on issues and urged all speakers to remain professional and avoid the use of profane language at the meetings. He recommended that the City Council and Staff look into the possibility of reviewing the City Charter in an effort to identify another means of communication within the City as a method of resolving issues. He added the opinion that there should be a venue in which the members of the Council, the City Manager, and department heads can sit down in a modified executive session, discuss issues such as this, and hopefully resolve many of them without press involvement and bringing the matters to the attention of the public.

CHRIS RYAN said that he does commentary for Court TV, MSNBC, Fox News and ABC News and has a Public Relations firm in town. He stated that a few years ago, he decided to change the direction of his company when he recognized a problem that some members of law enforcement were coming across in the media and to the public. He advised that he began to train police officers in police media relations and now travels around the country conducting seminars and holding training sessions. He stated the opinion that the Chandler Police Department appears to be addressing their issues fairly well but added that the Department is hampered from speaking correctly because of City directives. He stressed the importance of allowing the Department to come forward and address the charges and allegations that have been made against it.

DAN McQUILLEN, a Chandler Police Officer speaking as a citizen, expressed his support for the Department. He said that he was recently involved in an on-duty motorcycle wreck and has witnessed the Department's generosity firsthand. He stated that from the Chief on down, during his stay in the hospital and his recovery time at home, he received numerous telephone calls, cards and visits from co-workers. He said that the Department arranged for the 100 Club of Arizona to visit him at home and they presented him with a check to help compensate him for the time that he will be out of work. He noted that citizens in the community come up to the officers and say "thank you, we appreciate you, you are doing a good job." He discussed the excellent reputation the Department has and urged the Council to support it now and in the future and to avoid negative press.

DEBBIE LAVERGNE said that she is the wife of a Chandler Police Officer and a former Police Officer of eight years. She stated that she will expand on the comments contained in Sally Henry's letter and added that she helped draft the document. She commented that Mrs. Snedigar's passion for officers' safety is commendable but stated the opinion that she is being used and misinformed by disgruntled individuals within the Department who have their own agendas. She pointed out that only 10 of the 55 members of the SAU Team signed the memo written by Officer Lavoy. She stated the opinion that a personal "witchhunt" is being conducted against Chief Harris. She said that not everyone appreciates the Chief's honesty, candidness and down to earth, "tell it like it is" approach or agrees with the decisions he makes, the policies and procedures he sets forth or the programs he implements for the overall benefit of the Department, City and community. She listed a number of positive changes that have occurred under the direction of Chief Harris and urged the Council to end the negativity that currently exists.

GUS CARBOUN, SR., a resident of Ahwatukee, said that he is the father of one of Chandler's former Police Officers and stated the opinion that Chief Harris has committed a number of crimes, most of which are torts. He stated that the Chief threatened Councilmember Westbrooks, which is a violation of Federal Code 18-41, has told mistruths including making a statement that the Chandler Fraternal Order of Police was entirely in agreement with him, and added that the five members of the Review Board all voted in favor of the reinstatement of John Carboun, his son, because there was no cause for termination.

COUNCILMEMBER WESTBROOKS requested that the City Attorney look into the issues raised by Mr. Carboun regarding the violation of Federal Law to determine whether violations actually occurred relative to the points raised by him. Mr. O'Neill said that he will provide Councilmember Westbrooks with that information by the end of next week.

MARY POLANCO-GERLACH, 430 S.W. Mercury Way, said that she has retired from law enforcement and comes from a long line of family who have been involved in the public safety area. She commended the work of the Chandler Police Department but advised that she was involved in the "roundup" that occurred back in 1997. She stated that the incident reminded her of the 1930's during the depression when Mexican Americans were taken off of the streets and sent back to Mexico. She added that as a citizen she does not appreciate that \$3.1 million in taxpayer dollars have been spent to pay off lawsuits and claims filed against the Chandler Police Department. Ms. Gerlach thanked the members of the City Council who were courageous enough to bring this issue to the attention of the public and said that she appreciates the fact that information is being brought forward. She stated the opinion that the problems are the result of a deficiency in leadership.

MARY K. MEYERS, Munds Park, addressed the Council and said that she is the President and founder of a foundation called The Triple 9 Foundation, which purchases equipment for law enforcement officers. She stated that 100% of the monies that are brought in goes out again to purchase equipment and nothing is used to support administration. She advised that she is present at this meeting to support Chief Harris who sits on her Board and commended both the Chief and the other members of the Department on their professionalism and their integrity. She stressed the importance of "disciplining in private and praising in public" and abiding by the City Charter. She urged the Council to stop the unprofessional behavior that is jeopardizing the City's legal cases and lowering the morale of the officers who put their lives on the line every day to protect them and the rest of the community.

JENE McDONALD, a resident of Chandler since 1952, said that he became disenchanted with the Police Department back in the 1970's when someone he knew was "railroaded" for a crime that he never committed. He reported that the man was found guilty but later was proven to be an innocent victim instead. He added that he had a son-in-law who was a member of the Chandler Police Department for eight years and who was on drugs during that time. He said that his son-in-law was turned in by his son who was participating in the D.A.R.E. program. He advised that his son in law quit the force before they could conduct drug testing on him. He said that that this was before Chief Harris became Chief but does raise certain questions relative to the operations of the Police Department. He stated the opinion that Chief Harris has acted in an unprofessional manner and has unfairly impacted lives. He urged the members of the Council to put a Chief in place who is aware of what is going on with those under his charge.

VANESSA ERICKSON, a resident of Gilbert, said that she is a volunteer at the jail and the Chandler Police Department is the first Department that has made her feel like family. She spoke in strong support of Chief Harris and the members of the Chandler Police Department.

The Mayor declared a recess at 9:30 p.m. and the meeting resumed following that recess.

CONSENT:

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER WESTBROOKS, to approve the Consent Agenda as presented, with Councilmember Wallace declaring a conflict of interest on Agenda Item #37 and Councilmember Caccamo declaring a conflict of interest on Agenda Item #7. MOTION CARRIED UNANIMOUSLY (7 to 0).

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Meeting of December 9, 2002, the Special Meeting of December 12, 2002 and the City Council Meeting of December 12, 2002.

2. EASEMENT: APS/Electrical Facilities at the Richard T. Felix Property & Ord. #3410
Police Evidence Building

ADOPTED Ordinance No. 3410, granting a no-cost utility easement to Arizona Public Service Company for the purpose of installing and maintaining electrical facilities for the new building expansion to the Richard T. Felix Property and Police Evidence Building located at 576 West Pecos Road, as recommended by Staff.

3. DEVELOPMENT PLAN: Pollack Business Park North Ordinance #3420

ADOPTED Ordinance No. 3420, (DVR02-0029 Pollack Business Park North), rezoning from I-1/PAD (Light Industrial and PCO zoning district uses) to I-1/PAD (Light Industrial, PCO zoning district uses and showroom retail with housing) for an approximate 17-acre site located within Arizona Corporate Park North, north of the NEC of Arizona Avenue and Elliot Road, as recommended by Staff. (Applicant: Ralph Pew of Pew & Lake, PLC; Owners: Gambord Chandler Plaza, LLC, Michael Pollack.)

4. LAND SALE AUTHORIZATION: Portion of 1800 S. McQueen Rd. Ordinance #3413

ADOPTED EMERGENCY ORDINANCE NO. 3413, authorizing and approving the sale of land, containing approximately 11,027 square feet, located at the NEC of the City's 1800 South McQueen Road property to the Arizona Department of Transportation (ADOT) for a total consideration of \$30,900, as recommended by Staff. The City owns approximately 30 acres of land at this location that is being developed as part of the City's new yard. Construction of the access ramps for the Santan Freeway at McQueen Road requires acquisition of right-of-way by ADOT. The additional right-of-way needed by ADOT is located at the NEC of the City's new yard property. ADOT submitted an offer to purchase this parcel at a price of \$16,000 for the land, \$1.45 per square foot. Staff has determined that this is fair market value for the property. The sale does not negatively affect the planned improvements for the City's new yard.

As part of the project, an irrigation ditch running along the west side of McQueen Road (the City's east property line) will be removed. The property to the west, owned by Schrader Farms, currently receives water from this irrigation ditch. ADOT has agreed to allow re-routing the irrigation water through an existing ditch on ADOT's property to the north of the City's property. As part of the work on the new yard, the City will make modifications to the system to deliver the irrigation water to the Schrader Farms parcel. ADOT has agreed to pay the City \$14,900 (\$100 per linear foot) for this work. The purchase agreement will provide for this payment and the City will relocate the irrigation ditch when construction on the new yard begins. ADOT requires this parcel now so that they can meet deadlines for the Santan Freeway project and requested that the City expedite approval. Staff recommended that the Ordinance be adopted on an emergency basis so as not to delay the Santan project.

5. CODE AMENDMENT: Amending/Adding to Chapter 29: Bldg. Safety Regs. Ord. #3409
(New Construction Codes)

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3409, amending Subsections 29-1.1, 29-2, 29-3, 29-4, 29-5, 29-6.1, and adding new Sections 29-10 and 29-11, all of Chapter 29 Building Safety Regulations of the City Code and adopting by reference various codes and local amendments, as recommended by Staff. This adoption includes the 2000 International Building Code with amendments; 2000 International Residential Code; 2000 International Mechanical Code, 2000 International Plumbing Code with amendments; International Fuel Gas Code with amendments and 1999 National Electric Code. Staff also recommended amendments to the following existing codes: the 1994 Uniform Administrative Code and the 1994 Swimming Pool, Spa and Hot Tub Code. It was further moved to instruct Staff to conduct a review of the International (I) Codes and the new National Fire Protection Association 5000 Code within a six month period and present Council with a recommendation on which code to proceed with.

These codes were sent to the Board of Appeals for review and comment and the Board approved the adoption of these codes with amendments. The Board also made recommendations that are not included in this requested adoption. Of specific note was the review of the Model Energy Code. The Board felt it was appropriate to adopt an Energy Code, however, upon review, it was deemed too complex to interpret and too difficult to enforce to be effective. Staff has been asked to pursue a better alternative and is looking into several options at this time.

Staff has just completed an ISO (Insurance Services Office, Inc.) audit and in order to achieve a high score on the audit, it is absolutely imperative that current codes are in place. Therefore, rather than waiting until after the Energy Code is completed to do the adoption, Staff sent forward the basic building codes and their intent is to return to the Council with an acceptable Energy Code and the new amendments as soon as this area is completed.

6. CODE AMENDMENT: Location of Wireless Facilities on Ballfield Light Poles Ord. #3415

CONTINUED, to the March 27, 2003 City Council Meeting, ZCA02-0003 City of Chandler, the introduction and tentative approval of an ordinance amending the City's Zoning Code to clarify the location of wireless facilities on ballfield light poles in proximity to residentially zoned areas, as recommended by Staff.

7. CODE AMENDMENT: Chapter 35 – Group Home Ordinance # 3421

Councilmember Caccamo declared a Conflict of Interest on this item.

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3421, (ZCA02-0004 City of Chandler), a City initiative to amend Chapter 35 (Zoning Code) of the Chandler City Code, by revising Article II pertaining to the definition of "Group Home" and by revising Article III pertaining to Use Permit requirements and review procedures relative to Group Homes, as recommended by Staff and the members of the Planning Commission. The current definition of "Group Home" was first added to the Zoning Code as part of a larger amendment establishing the definition, requirements and procedures for residential child care (Ordinance No. 3240, Effective 7/14/01). That amendment established the requirement for a Use Permit to operate a group home within any residential zoning district, subject to procedures and standards similar to those specified for adult care homes. In recent months, however, as specific applications for Use Permits to operate group homes have come forward through the public hearing process, it has become more

apparent that a clarification in the definition of "Group Homes," as well as some additional considerations for review, are needed.

The proposed amendment revises the current definition of "Group Home" to specify a facility that provides a living environment, sleeping rooms and meals for any number of residents that does not meet the definition of "family." Any facility falling under this definition of "Group Home" would be subject to Use Permit approval in order to operate. The amendment also specifies certain review criteria which are more unique to group home circumstances and triggers compliance with the same applicable criteria already set forth in the Zoning Code for adult care homes, such as capacity (maximum of ten), location (not less than 1200 foot separations), signage, State licensure, Building Code compliance, etc. The proposal has been advertised in accordance with all applicable State Statutes. Upon finding consistency with the City Zoning Code and good zoning practice, the Planning Commission and Staff recommended approval, subject to the conditions listed in the ordinance.

In response to a question from COUNCILMEMBER WESTBROOKS, MR. BALLARD advised that ordinances do not supercede homeowners' CC&Rs. He added that the City is responsible for enforcing its own ordinances and said that HOAs have the ability to enforce their own rules and standards. He noted that most CC&Rs are more restrictive than City ordinances and the City has no authority to enforce HOA rules and regulations. He advised that a letter has been received from Timothy Casey representing The Vineyards HOA and he said that he has spoken with him and explained these facts to him as well. He reported that Mr. Casey was satisfied with his response and a letter will be forwarded to him regarding this matter.

8. CODE AMENDMENT: Council Approval of Contracts Ordinance #3423

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3423, amending Section 3-9 and Section 3-11 of Chapter 3 of the Chandler City Code to establish limits for Council approval of alternative project delivery projects, as recommended by Staff. The purpose of this amendment is to clarify when prior Council approval is required for contracts using the new project delivery methods: Job Order Contracting (JOC), Construction Manager at Risk, (CM@R) and Design Build.

9. DEVELOPMENT PLAN: Geneva Lakes Extension Ordinance #3424

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3424, (DVR02-0043 Geneva Lakes Extension), amending Condition No. 6 as adopted by Ordinance No. 3199, to extend the construction timing for the rezoning of the 120-acre property located on the SEC of McQueen Road and Ocotillo Road from AG-1 to PAD. (Applicant: Andy Moore; Earl, Curley and Legarde; Owner: Paul Scherrer, Marthalinda Dairy.) On November 16, 2000, this property was rezoned from AG-1 to PAD for a mixed-use commercial and residential development. The PAD zoning action included the standard stipulation that construction shall commence above foundation walls within two years of the effective date of the ordinance granting the rezoning or the zoning will revert to AG-1.

The developer requested an extension so that the existing PAD zoning of the property will continue in effect for an additional 3 years. No changes have been made to the development plans that were approved by the Council. In the past, when the timing condition expired the zoning would automatically revert to its former classification. Zoning can no longer be reverted to its former classification automatically without legislative action by the City. If approved, all other conditions in the original approval remain in effect. Staff has not expressed any concerns

regarding the conditions in the original approval. The request was noticed in accordance with the requirements of the Chandler Zoning Code and Staff received one telephone call from a neighbor who wanted the development to go forward and not revert to agriculture. Upon finding the proposal to be consistent with the General Plan and Southeast Chandler Area Plan, Planning Commission and Staff recommended approval of extending the timing conditions for three years with all of the conditions in the original ordinance remaining in effect.

10. DEVELOPMENT PLAN: CVS Pharmacy

Ordinance #3425

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3425, (DVR02-0040 CVS Pharmacy), a request for rezoning from C-2 PAD for an Automotive Service Facility to C-2 PAD CVS Pharmacy, along with Preliminary Development Plan approval for site layout and building architecture for this 12,000 square foot freestanding commercial pad on approximately 2.04 acres, located on the NEC of Warner and Dobson Roads (Applicant: Withey, Anderson & Morris, PLC, Jason B. Morris). The parcel was conceptually zoned C-2/PAD in 1984 with a Conceptual Plan extension in 1987 as part of a larger commercial development. A gas station with drive-through car wash was approved in 1988 and amended in 1994 to allow for a three building automotive service development that included a tire center, transmission service center and lube shop. The parcel is one of the last remaining vacant parcels at this commercial center.

During initial construction of the main center, a large temporary retention basin was located on this parcel. The basin was designed to retain water not only for this parcel but also for a large portion of the center as well. City Code requires a maximum of 50% of the front yard setback area to be used for storm water retention. Staff has evaluated this parcel and supports the use of the frontage for a greater amount of storm water retention and supports the proposed land use change due to the less intensive nature of the CVS Pharmacy and its compatibility with the existing commercial center. The request was noticed in accordance with the provisions of the City of Chandler Zoning Code and to date Staff has not received any telephone calls from area residents regarding this application. Upon finding consistency with the General Plan, the Planning Commission and Staff recommended approval, subject to the conditions listed in the ordinance.

In response to a request from COUNCILMEMBER ANDERSON, DOUG BALLARD stated that he has spoken with Jason Morris, the attorney representing CVS Pharmacy, and they do in fact have a market study. He added that Staff has received a one-page summary of the study, which indicates that a strong market area exists in that area in terms of population, disposable income, and median per capita income. He said that traffic is significant at this corner and Staff is satisfied with the proposal and supports the request.

MR. MORRIS addressed the Council and stated that the decisions CVS's management team makes are based on market research that is conducted generally twelve months in advance of the company even deciding upon a site. He listed the extensive areas that are subject of research in the study and said that all results uphold the fact that the location is a strong one and appropriate for the proposed project.

COUNCILMEMBER ANDERSON noted that the project will represent the fourth pharmacy to be located within a one-mile strip of property and asked Mr. Ballard whether Staff was comfortable with that point. MR. BALLARD responded that Staff supported approval of the project at this location.

In response to a request for input, Finance Director PAT WALKER stated that sales tax collections among pharmacies had a strong showing and added that Staff has also looked at different variations, such as drug stores being located across from one another, and no declines have been detected. She said that based on the market study that the pharmacy completed, they will also be attracting customers from Mesa.

MAYOR DUNN thanked Mr. Morris for his comments.

11. IGA AMENDMENT/MAG: Time Extension/High Capacity Transit Major Investment Study Reso. #3596

ADOPTED Resolution No. 3596, amending the Intergovernmental Agreement with Maricopa Association of Governments (MAG) for a six-month time extension for funding a High Capacity Transit Major Investment Study, as recommended by Staff. This agreement provides for MAG funding for the High Capacity Transit Major Investment Study approved by Council on July 12, 2001. Council approved a five-month extension on August 8, 2002. The current term of the agreement expires December 31, 2002. MAG requires this second time extension until July 31, 2003 to continue funding the study, which is in the final phase of analysis (Tier 3) and is approximately 80% complete. The extension will allow adequate time to complete the study and provide the Transportation Committee and the public the opportunity to review and comment on its findings and recommendations.

12. PRELIMINARY DEVELOPMENT PLAN: Redwood Estates

APPROVED the Preliminary Development Plan (PDP02-0006 Redwood Estates), for housing products for a 124-lot single-family residential subdivision on approximately 36 acres located on the NEC of Ocotillo Road and Cooper Road. (Applicant: Brown Family Communities; Scott Moore; Brown Family Communities.) The property is located in South Chandler and is part of the Chandler Airpark Area Plan. The property was rezoned in November 1999 and conforms to the 1995 subdivision diversity standards. Housing products were not a part of the November 1999 approval. Upon finding consistency with the General Plan, the Planning Commission and Staff recommended approval subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit "A," Development Booklet, entitled, "Design Review Submission Redwood Estates," kept on file in the City of Chandler Planning Services Division, in File No. PDP02-0026, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council in Ordinance No. 3054, case PL99-0004 Redwood Estates, except as modified by condition herein.
3. All homes built on corner lots within the residential subdivision shall be single story.
4. For lots adjacent to an arterial street, two-story homes are limited to every third lot.
5. No more than two adjacent lots shall have identical rooflines on the rear elevation visible from arterial streets.
6. The same elevation will not be built side-by-side or directly across the street from one another.
7. When two-story homes are built on adjacent lots, a 20-foot separation shall be provided between homes.

13. PRELIMINARY DEVELOPMENT PLAN: Markwood South

APPROVED the Preliminary Development Plan (PDP02-0027 Markwood South) for housing products for a 237-lot single-family residential subdivision on approximately 118 acres located north of the NEC of Ocotillo and Cooper Roads, as recommended by Staff. The property is located in South Chandler and is part of the Chandler Airpark Area Plan. The property was rezoned in March 2000 as part of a larger 783 lot single-family development, Markwood Farms. The subdivision conforms to the 1995 subdivision diversity standards. Housing products were not part of the March 2000 approval. Upon finding consistency with the General Plan, Planning Commission and Staff recommended approval subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit "A," Development Booklet, entitled "Design Review Submission Markwood South," kept on file in the City of Chandler Planning Services Division, in File No. PDP02-0027, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance No. 3054, case PL99-0041 Markwood Farms, except as modified by condition herein.
3. All homes built on corner lots within the residential subdivision shall be single story.
4. For lots adjacent to an arterial street, two-story homes are limited to every third lot.
5. No more than two adjacent lots shall have identical roof lines on the rear elevation visible from arterial streets.
6. The same elevation shall not be built side-by-side or directly across the street from one another.
7. When two-story homes are built on adjacent lots, a 20-foot separation shall be provided between homes.

14. GRANT: Marlboro Neighborhood Group/Wood to Block Fence Conversion

APPROVED, as recommended by Staff and the Neighborhood Advisory Grant Review Committee, the Marlboro Neighborhood Group's grant request in an amount not to exceed \$5,000 for wood to block fence conversions for the residents located in the 1500 block of West Comstock Drive. The residents participating will match the grant amount dollar for dollar. The Marlboro Neighborhood Group met all of the requirements set forth in the City of Chandler's Office of Neighborhood Programs NMGP (Neighborhood Matching Grant Program) guidelines. The application was reviewed by the members of the Neighborhood Advisory Grant Committee and given final approval by the Neighborhood Advisory Committee.

15. CDBG FUNDING ALLOCATIONS: Fiscal Year 2003-04 Allocation Priorities

APPROVED the following priorities for Fiscal Year 2003-04 Community Development Block Grant (CDBG) allocations, as recommended by the Chandler Housing and Redevelopment Committee (HARC) and City Staff:

- I. Social Service Programs: These programs include all requests from social service agencies whether they be for operations or capital improvements.
 1. Up to 15% of the City's Annual CDBG Entitlement may be allocated to CDBG eligible public service activities (which includes requests for operating funds) and up to 10% of the City's annual CDBG Entitlement may be allocated to social service capital requests.
 2. Within the Social Service Category, the following program areas may be given preference:

- a. Education and/or Job Training
 - b. Neighborhood Preservation/Planning
 - c. Homeless Prevention/Basic Needs
 - d. Youth Programs/Senior Programs
 3. The following service areas may be given preference when considering allocation of FY 2003-04 CDBG funds:
 - a. First Preference-Programs exclusive to the Chandler Redevelopment Area
 - b. Second Preference-Programs exclusive to the City of Chandler
 - c. Third Preference-Programs outside the City of Chandler, which as a project have a client base of no less than 50% residents of the City of Chandler
 4. When considering allocation of CDBG funds to eligible projects, preference generally is given to those programs that provide non-CDBG contribution to a project's operation, implementation and/or administration.
- II. Downtown Development Activities: This category includes requests for funds from programs/projects that directly impact the aesthetic and economic atmosphere of Downtown Chandler (area defined as District One in the Redevelopment Plan Update of 1995).
1. No more than 25% of the City's Annual CDBG Entitlement may be allocated to this category.
 2. When considering allocation of CDBG funds to eligible projects, preference generally is given to those programs that provide non-CDBG contribution to a project's operation, implementation and/or administration.
 3. Applicants for funding in this category must demonstrate how a project will continue to enhance the aesthetic or economic atmosphere of Downtown Chandler after project completion.
 4. Preference will be given to capital requests.
 5. Applicants for these funds must demonstrate and document significant, long-term benefit to the Chandler Redevelopment Area as a result of their project (i.e. Increased Tax Base/Elimination of Blighting Influences).
- III. Neighborhood Activities: This category includes requests for funds for activities that directly impact the appearance of neighborhoods in the Chandler Redevelopment Area.
1. No less than 45% of the City's Annual CDBG Entitlement may be allocated to this category.
 2. Preference will be given to capital projects.
 3. Focus will be placed on housing programs (i.e. Housing Rehabilitation)
 4. Preference will be given to those programs that directly impact neighborhoods in or adjacent to the Downtown Square.
- IV. Program Administration: This category includes those costs related to the administration of the City's Community Development Block Grant Program and may not include costs associated with implementing individual programs and projects.

No more than 15% of the City's Annual CDBG Entitlement will be allocated to this category.

16. HOUSING: Subordination of Rehabilitation Lien/644 East Commonwealth Place

APPROVED the subordination of the Housing Rehabilitation Lien on Project No. 95-3-1, located at 644 East Commonwealth Place, as recommended by Staff. The single-family owner-occupied home was rehabilitated under the City of Chandler's Housing Rehabilitation Program in 1995. A lien was placed against the property by the City for \$24,829.00. This lien is in the form of a 10-year forgivable loan with the balance currently at \$7,448.00.

The owners have applied for a loan to refinance their current first mortgage in order to reduce their monthly payment and do some additional remodeling. The total amount of the new loan would be approximately \$85,260.00. In order to obtain the loan, a subordination of the City's lien is required by the lending institution. The City's lien is currently in second position and would remain in second position after the new loan. The property has been appraised at \$116,000, which is more than the combined encumbrances of the City's lien and the new first mortgage.

17. ALIGNMENT: Dobson Rd. Improvements (Frye Rd. to 1,000 ft. South of Germann Rd.)

APPROVED the alignment for Dobson Road improvements from Frye Road to 1,000 feet south of Germann Road, as recommended by Staff. Council approval of the Dobson Road alignment and major projects features is needed because the project, as recommended, involves right-of-way acquisition. A separate Council action for approval to acquire the needed property will be on a future Council agenda. The Capital Improvement Program (CIP) identified Dobson Road as a major arterial street in need of improvements to accommodate the future increased traffic volumes associated with the opening of the Santan Freeway. Major components of the project include six traffic lanes (three in each direction), bike lanes, curb and gutter, sidewalk, streetlights, and rail crossing improvements. New traffic signals will be installed at Pecos Road and Germann Road. A new traffic signal at Willis Road is currently under construction. The roadway improvements will be built along the existing roadway centerline. Utilities (water transmission mains, reclaimed water lines and water distribution lines) are being constructed in advance of the road construction.

The construction of the project will require the purchase of additional right-of-way, drainage easements and temporary construction easements. The right-of-way acquired will be necessary for the ultimate six-lane roadway shown in the 2001 Chandler Transportation Plan. This project will not require any building demolition or residential relocation.

18. PROJECT AGREEMENT: SDB, Inc./Construction of a Wall at 210 N. McQueen Rd.

AWARDED a Project Agreement to SDB, Inc. for construction of a wall at 210 North McQueen Road (Project No. HO0302-401, per Job Order Contract 02-01), in an amount not to exceed \$49,645.48, as recommended by Staff. The Housing and Redevelopment Division's public housing site, at this location, has a need for a decorative wall to provide security and safety for the residents. The wall construction is identified in three phases in the Housing and Redevelopment Division's five-year Capital Improvement Program approved by the Department of Housing and Urban Development (HUD). This is Phase II of the wall construction plan and will construct a decorative wall with wrought iron sections on a portion of McQueen Road and Monte Vista Street.

19. PROJECT AGREEMENT: SDB, Inc./Demolition of Temporary Bldg. at 195 E. Buffalo St. & Landscaping of the Vacant Lot

AWARDED a Project Agreement to SDB, Inc. for the demolition of the temporary building at 195 East Buffalo Street and landscaping of the vacant lot (Project No. GG0301-401, per Job Order Contract 02-01), in an amount not to exceed \$21,600.00, as recommended by Staff. On November 22, 2002, Construction Management (Development) vacated the temporary building at this location. The building was purchased in 1985 with the intention of using it as temporary offices for only a couple of years. In accordance with the City Campus Study Report, dated April 2001, and due to the poor condition of the building, staff recommends demolition of the building and landscaping of the lot.

20. PROJECT AGREEMENT: SDB, Inc. Installation of Restrooms at Desert Breeze Park

AWARDED a Project Agreement to SDB, Inc. for the installation of restrooms at Desert Breeze Park, Project No. PR0113-402, in an amount not to exceed \$97,862.00, as recommended by Staff. There are no restrooms in place near the south ramadas at Desert Breeze Park. Numerous requests from residents and Staff dictate the need for the installation of a second restroom at the park. Staff obtained an estimate from a manufacturer of modular restrooms and negotiated with SDB, Inc. for purchase and installation of the restroom.

21. MEMORANDUM OF AGREEMENT: Loper & Assoc./Appraisal Services (Alma School & Warner Intersection Improvements)

APPROVED use of the City of Scottsdale's contract for appraisal services with Loper & Associates, LLC for right-of-way and easement appraisals for the Alma School/Warner Intersection Improvements, Project No. ST0134, in an amount not to exceed \$33,350.00, as recommended by Staff. This contract is to provide appraisal services for the acquisition of right-of-way and easements for 23 parcels for the Alma School/Warner Intersection Improvement Project. The consultant will provide appraisal services to determine fair market value for the interests to be acquired on the 23 parcels. The scheduled construction start date is March 2004, completing the work by October 2004

22. MEMORANDUM OF AGREEMENT: Loper & Assoc./Appraisal Services (Pecos Road Improvements, Dobson to McQueen)

APPROVED use of the City of Scottsdale's contract for appraisal services with Loper & Associates, LLC for right-of-way and easement appraisals for the Pecos Road Improvements from Dobson Road to McQueen Road, Project No. ST0244, in an amount not to exceed \$58,900.00, as recommended by Staff. On December 12, 2002, the City Council approved the alignment for the Pecos Road Improvements from Dobson to McQueen Roads. The new alignment requires acquisition of right-of-way and easements for an estimated 38 parcels. This contract is to provide appraisal services to determine fair market value for the interests to be acquired. The scheduled construction start date is October 2003, completing the work by December 2004.

23. ENGINEERING SERVICES CONTRACT: CDM/Design of the Chandler Water Treatment Plant's Filter Equipment

AWARDED an Engineering Services Contract to CDM for the Water Treatment Plant Filter No. 12 Equipping, Project No. WA0323-201, in the amount of \$85,133.00, as recommended by Staff.

The 1997 Water Treatment Plant Expansion included the construction of the concrete filter box for Filter No. 12. It was more economical to construct the concrete structure at the time of the expansion and wait to outfit the filter when water demand required the filter to be placed in service. This contract will design the construction necessary to bring the filter on line.

24. On the Action Agenda

25. CONTRACT: G & G Construction/Concrete Curbs, Sidewalks & Handicap Ramps

AWARDED a one-year contract (ST3-0177-1990) with provisions to extend for three additional one-year periods, to G & G Construction Company in the amount of \$487,111 for the construction of concrete curbs, sidewalks and handicap ramps, as recommended by Staff. When streets are resurfaced, concrete repair work is needed for concrete curbs, gutters, sidewalks, driveways, valley gutters and alley entrances. This concrete work will repair damaged concrete and upgrade existing handicap ramps to current standards. This contract is necessary to complete concrete work ahead of the 2002-03 street rehabilitation project. The streets that are identified for rehabilitation are typically 20 years old or older, and have been identified by our pavement management system as needing a mill and overlay to rehabilitate the pavement.

26. CONTRACT: Metering Services/Water Meter Maintenance & Calibration

AWARDED a contract (WD3-4640-1973) for water meter maintenance and calibration to Metering Services, in an amount not to exceed \$80,000, as recommended by Staff. There are many large water meters (3" and larger) in the water distribution system in the City of Chandler. These meters require maintenance and calibration, including emergency repairs. Additionally, when meters malfunction, or when customers question high water bills and request that their meters be checked for accuracy, it has been beneficial to have a report from a third party. Metering Services has been responsive and has provided outstanding support to the City of Chandler for many years.

27. CONTRACT EXTENSION: Rocky Mtn. Welding/Alley Refuse Containers

APPROVED the one-year extension of a contract (SW0-7241-1647) for alley refuse containers with Rocky Welding, in an amount not to exceed \$37,400, as recommended by Staff. Chandler has 3,500 metal 3 cubic yard residential refuse containers in service throughout the City. Each year cans are renovated, which includes cleaning, repairing and replacing damaged lids and lid stops, installing a liner and repainting. The City has to order replacement containers every year for containers that are not repairable. In April 2000, the City Council awarded contract SW0-7241-1647 for Alley Refuse Containers to Rocky Mountain Welding. The contract was awarded for a one-year term with provisions to extend for four additional one-year periods. The contract has been extended for two of the extensions with no price increases. Rocky Mountain has agreed to extend for a third year, which will run through April 2004, with no price increases.

28. CONTRACT EXTENSION: Pyrotactix Fire Protection/Fire Protection Systems Maintenance

APPROVED the one-year extension of a contract (BF1-0179-1727) for fire protection systems maintenance with Pyrotactix Fire Protection, in an amount not to exceed \$75,000.00, as recommended by Staff. In January 2001, the City Council approved a term contract to provide comprehensive preventive maintenance, periodic testing and inspection for fire protection systems installed in City facilities. This contract insures that procedures recommended by the equipment manufacturers are followed in order that the equipment life and reliability is extended,

thus reducing the need for major repairs. Additionally, the National Fire Code requires periodic maintenance. The original contract was awarded for a one-year term with two additional one-year extensions upon mutual agreement between the City and the contractor. City Staff is satisfied with the service provided by the current contractor and has requested that the contract be renewed for the period February 1, 2003 through January 31, 2004. Pyrotactix has agreed to renew the contract with no price increases.

29. PURCHASE: Refuse & Recycling Containers

APPROVED use of the City of Peoria's contract (#PO2-0043-1966) for the purchase of refuse and recycling containers from Rerigh Pacific Company in an amount not to exceed \$247,000, as recommended by Staff. The City of Chandler has an ongoing need to purchase plastic refuse and recycling plastic rollout containers for use at new homes and to replace worn out refuse containers. Use of the City of Peoria's contract will save the City the costs associated with the bid process.

30. PURCHASE: Auxiliary Electrical Generator

APPROVED the use of the State of Arizona Counter-Drug Procurement Program (CDPP) for the purchase of an auxiliary electrical generator in an amount not to exceed \$33,538, as recommended by Staff. An expansion to the Richard T. Felix Property & Evidence Building is currently under construction and a required piece of equipment is an auxiliary generator. This building will house a large freezer and refrigerator units for the storage of evidence and will house the Emergency Communications Facility. It is important that both of these functions be supplied with a continuous power supply. Use of the CDPP eliminates the cost of going out for bid, reduces the lead time in obtaining the item, and results in a lower cost due to CDPP purchasing power.

31. PURCHASE: Walk-In cooler and Walk-In Freezer

APPROVED the use of the Mohave Educational Services Cooperative Contract (MESC) with Arizona Restaurant Supply, for the purchase of a walk-in cooler and a walk-in freezer in an amount not to exceed \$33,929.00, as recommended by Staff. Increased caseloads have overwhelmed the department's ability to store frozen and refrigerated evidence items. Body fluids must be stored at or below 30 F and blood samples must be refrigerated at or below 45 F. In order to meet current and future needs, additional freezer and refrigerated storage space must be included in the Richard T. Felix Property & Evidence Building, the expansion of which is currently under construction. Use of the MESC contract eliminates the cost of going out for bid, reduces the lead time in obtaining the products and results in a lower product cost due to MESC's purchasing power.

32. USE PERMIT: Desert Lotus Automotive & Finance Group

APPROVED Use Permit UP02-0057, Desert Lotus Automotive & Finance Group, to operate a motor vehicle sales business in an I-1/PAD Industrial Zoned District located at 284 E. Chilton Drive, Suite 11, in the Arizona Corporate Park North. (Applicant: Brian Holman, Desert Lotus Automotive.) The approximate 900 square foot suite contains a 112 square foot office, with a private restroom and a 790 square foot warehouse space. The primary business consists of the buying and selling of cars from local auto auctions, wholesale to wholesale. The inventory remains predominantly on site at the auctions. The applicant sometimes buys cars that he

wishes to sell privately. The vehicles are kept at the Chilton Business Center location and, in order to control the customer traffic, are viewed by appointment only.

Vehicles are kept within the warehouse space and the applicant estimates that a maximum of five vehicles will fit within the warehouse, depending on size. No mechanical repairs or maintenance is performed on site and the applicant only provides minor touch-up on the vehicles. There will be no outside storage, outside showing, or outside overnight storage of vehicles. This request was noticed according to the provisions of the City of Chandler Zoning Code and to date Staff has not received any telephone calls or letters from neighboring tenants or property owners opposed to this Use Permit. The Planning and Zoning Commission and Staff, upon finding consistency with the General Plan, recommended approval subject to the following conditions:

1. All vehicle sales and minor detailing shall occur within the building.
2. All signage, whose text shall be limited to business name identification only, shall be in conformance with the Chandler Sign Code.
3. Failure to comply with these conditions, upon standard notice issued by the City, will constitute revocation of the Use Permit without further action.
4. The Use Permit is effective for a period of one (1) year from the date of City Council approval. Operation of the business beyond the one-year time period shall require re-application to and approval by the City.
5. There shall be no outside storage, outside showing, or outside overnight storage of vehicles.

33. LIQUOR USE PERMIT: Fibber Magees

APPROVED Use Permit UP02-0060, Fibber Magees, for liquor sales for on-site consumption only (Series 12) at a new restaurant located at 1989 West Elliot Road, Suite 19 (SEC of Elliot and Dobson Roads). (Applicant: James Will Craig; Owner: Dan Adams, Elliot Square L.L.C.) The applicant is opening a new restaurant within an existing in-line suite in the Elliot Square Shopping Center. No previous tenant of this suite held a liquor license or Use Permit for liquor sales. The only other liquor license within the center is for off-premise sales at the Circle K. The total floor area of the restaurant including kitchen, storage, coolers, restrooms and dining is approximately 3,000 square feet with seating capacity for 150 persons. There is no patio or outdoor dining associated with this restaurant. The Use Permit will be used in association with a Series 12 Restaurant Liquor License.

A Series 12 license allows for the sale of all liquor for on-site consumption only and requires that a minimum of 40% of the total sales be in food and non-alcoholic beverages. Fibber Magees will be a full-service restaurant operating from 11:00 a.m. to 1:00 a.m. seven days a week. The restaurant will have live music only on special occasions. A single pool table and dartboards are proposed; however there will be no dance floor within the restaurant. This request was notice in accordance with the requirements of the City of Chandler Zoning Code and to date Staff has not received any telephone calls or letters from any neighbors regarding the request. The Planning and Zoning Commission and Staff, upon finding the request to be consistent with the General Plan and Council adopted C-2 zoning, recommended approval subject to the following conditions:

1. The Use Permit granted is for a Series 12 license only and any change of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the proposed floor plan shall void the Use Permit and require a new Use Permit application and approval.

3. Decibel levels of recorded or live music shall be controlled so as not to present a nuisance to residential properties beyond the boundaries of the Elliot Square shopping center.
4. This Use Permit is non-transferable to any other location.

34. LIQUOR LICENSE: Fibber Magees

APPROVED a request for City of Chandler Series 12 Restaurant Liquor License #300000538 and that a recommendation for State Liquor License No. 12075317 for James W. Craig, Agent, T.W. Steves LLC, dba Fibber Magees, at 1989 West Elliot Road, Ste. 19, be forwarded to the State Department of Liquor Licenses and Control. The Police Department reported no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. With a Series 12, the business may sell all liquors for on-premise consumption only, with a minimum of 40% of the gross receipts from the sale of food.

35. LIQUOR LICENSE: Arigato Sushi & Steak

APPROVED a request for City of Chandler Series 12 Restaurant Liquor License No. 300000549 and that a recommendation for approval of State Liquor License No. 12075350 for Kuirankumar I. Patel, Agent, KMPD Enterprises Inc., dba Arigato Sushi & Steak, at 5965 West Ray Rd., #17 and 18, be forwarded to the State Department of Liquor Licenses and Control. The Police Department reported no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. With a Series 12, the business may sell all liquors for on-premise consumption only, with a minimum of 40% of the gross receipts from the sale of food.

36. LIQUOR LICENSE: Wyatts Place

APPROVED a request for City of Chandler Series 12 Restaurant Liquor License No. 300000550 and that a recommendation for approval of State Liquor License No. 12075349 for Paul Kalajainen, Agent, Negative Edge LLC, dba Wyatts Place, at 1361 North Alma School Road, be forwarded to the State Department of Liquor Licenses and Control. The Police Department reported no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. With a Series 12, the business may sell all liquors for on-premise consumption only, with a minimum of 40% of the gross receipts from the sale of food.

37. PRELIMINARY PLAT: The Villas at Knox Road and McQueen Road

Councilmember Wallace declared a Conflict of Interest on this item.

APPROVED the Preliminary Plat (PPT02-0014, The Villas at Knox Road and McQueen Road), an 8.62-acre parcel divided into 70 townhouses located on the SWC of Knox Road and McQueen Road. (Applicant: Graham Development Corporation.) This plat is for a townhouse development in East Chandler. The development includes 14 individual buildings and a community recreation area. The internal drives are private and secured with a gated entryway. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required right-of-ways.

38. FINAL PLAT: Qwest Chandler Main

APPROVED the Final Plat (FPT02-0010, Qwest Chandler Main), a 1.16-acre parcel located on the SEC of Chandler Boulevard and Oregon Street. (Applicant: Qwest Corporation.) This plat combines 8 lots into 1 lot. The property includes the existing Qwest switching facility and that property planned for the facility's expansion. The plat creates the lot and establishes the necessary easements.

39. FINAL PLAT: Abralee Meadow

APPROVED the Final Plat (FPT02-0062, Abralee Meadow) a 101.8-acre parcel divided into 287 single-family lots located west of the SWC of Queen Creek and Gilbert Roads. (Applicant: Sunwest Valley Developers, Inc.) This plat is for property in South Chandler and is part of the Airpark Area Plan. The development includes public streets and a centralized open space. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required right-of-ways.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER WESTBROOKS, to approve the Consent Agenda as presented, with Councilmember Wallace declaring a conflict of interest on Agenda Item #37 and Councilmember Caccamo declaring a conflict of interest on Agenda Item #7. MOTION CARRIED UNANIMOUSLY (7 to 0).

ACTION AGENDA:

24. Direct the City Manager to move forward for a separate outside review of the discussion and decisions made prior to final entry of the Sierra Palms Apartment April 1999 SAU Operation.

COUNCILMEMBER BRUNO explained her reasons for changing the motion from the one made Monday and said that she believes that an independent review would be better. She referred to the contents of a memo the members of the Council received dated October 3, 2002 addressed to Chief Bobby Joe Harris from Officer Lavoy. She noted that Officer Lavoy indicated in that memo that an independent review should take place regarding the Sierra Palms incident in order to ensure that any mistakes that were made will not be repeated. She added that the memo goes on to say that the review should not be conducted with the intention of determining whether anyone was responsible for Officer Snedigar's death, but rather to determine the factors that led up to his death so that they can be prevented in the future.

COUNCILMEMBER BRUNO said that she was unaware of this until she received the memo in the packet and added that she is grateful for Mrs. Henry's comments this evening as well. She commented on the fact that people working within the Department itself support the implementation of an independent review and stated that this is the reason why she changed her motion. She said that she placed this item on the agenda because she personally believes, as Mrs. Snedigar has stated, that we owe it to Chandler's police officers to conduct a review with the goal of enhancing officer safety in the future. She commented on the fact that questions raised by Mrs. Snedigar three a half years ago have still not been answered and said that it is time to provide her and the other members of the SAU Team with the answers to those questions. She emphasized that her goal is not to determine fault, but rather to determine what exactly happened so that this issue can be put to rest, proper training can be put into place if needed, and policies and procedures can be changed to enhance officers' safety.

COUNCILMEMBER WESTBROOKS commented on a memo dated January 8, 2003 containing over 28 questions brought to the Council by Mrs. Snedigar relative to assessing the Sierra Palms incident and stated the opinion that it is worthwhile to proceed with an assessment of the incident. He stressed the importance of determining whether any tactical mistakes were made, determining what can be learned from any mistakes that might have occurred, and applying those lessons to the current officers so that incidents such as this will never occur again. He also agreed with the importance of holding "debriefing" sessions in an effort to provide officers with the comfort of knowing that issues have been thoroughly reviewed, which will allow them to move on. He complimented Councilmember Bruno for bringing this forward on the agenda and agreed that it is time to provide Mrs. Snedigar with the answers to the questions that she has posed.

COUNCILMEMBER WALLACE concurred with Councilmember Westbrooks' comments relative to the fact that Mrs. Snedigar's focus from day one has been on ensuring that SAU officers' safety is enhanced and learning from any mistakes that might have been made. She referred to the October 3rd memo from Officer Lavoy and other officers to Chief Harris and read portions relative to debriefing sessions. She also said that she heard the commander of the Sierra Palms incident, under oath, state that no mistakes were made at that incident and he would make the same decisions today. She stated that his statement concerned her because an officer's life was lost. She said that she heard that the National Tactical Officers Association (NTAO) conducted an investigation of an incident in Cobb County where two SWAT team officers were lost. She added that she called Lieutenant Tom Arnold, the Commander of Special Operations in Cobb County, who stated that an external investigation should always be conducted by an outside organization when a life has been lost. He also said that NTAO was very fair and thorough and it was determined that mistakes had been made. He also advised that although names were mentioned, no one in the Department was chastised as a result of the learning process. He said that as a result, additional SWAT team equipment was purchased to enhance the safety of those officers. Councilmember Wallace commended Mrs. Snedigar and Officer Lavoy for their courage in coming forth and said that she believes a need also exists to look at the City's policy decision relative to conducting outside reviews.

In response to a question from COUNCILMEMBER BRUNO, City Attorney DENNIS O'NEILL explained the difference between a Request for Qualifications (RFQ) and a Request for Proposals (RFP). He noted that a RFQ is a little more specific and probably appropriate in this particular situation.

MS. DRESKA advised that if it is the direction of the Council this evening, Staff will rewrite the proposal to include components to address concerns that have been expressed. She said that a more comprehensive proposal would be developed. MR. O'NEILL commented because this is a high profile issue, the Council can direct Staff to bring the proposal back to them, despite the fact that the dollar limit may be under the \$30,000 level that triggers the need for Council authorization. MAYOR DUNN said that he would support this coming back before the Council.

Discussion ensued among the members of the Council relative to the proposed contents of a request for proposals and the goals to be achieved; conducting separate reviews (Sierra Palms incident and an Operational Review) versus allowing one group to conduct both, and the importance of ensuring that duplication of effort is avoided.

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY COUNCILMEMBER WALLACE, that the City Manager be directed to move forward with a separate outside review of the discussions and decisions made prior to the final entry of the Sierra Palms Apartments April 1999 SAU operation.

DAWN SNEDIGAR addressed the Council and said that it was her understanding that a Review Committee would be formed to consider the various proposals that are received. She added that she was told the committee would be comprised of nine individuals, four of whom would be hand picked by Chief Harris, and five others consisting of civilians and other law enforcement personnel from other agencies, all of whom would also be selected by the Chief. She said that this is not what she wants, and the questions should be answered by an independent, skilled agency that will look strictly at the facts.

DONNA DRESKA clarified that she did say that four members of the Police Department would serve as members of the Review Committee but said that Chief Harris would not select the other five members of that Committee. She noted that it was Staff's intention to have two members from the City Manager's Office on that Committee and added that some of the people who were being considered consisted of Assistant City Managers in other agencies which oversaw the Police Department, not necessarily people from within Police Departments.

MAYOR DUNN emphasized that the recommendations that are made by the members Review Committee will be brought back to the Council for final approval.

MRS. SNEDIGAR provided an overview of the issues and events regarding the incident at the Sierra Palms Apartments and her husband's death and her subsequent request for details and information relative to the issue that has led up to this point in time. She reiterated comments regarding this issue that were presented at previous Council meetings and stressed the fact that her quest is to enhance the safety of the SAU officers and ensure that any mistakes that were made will not reoccur in the future. She emphasized that it is standard operating procedure to conduct an outside investigation whenever an officer or citizen involved death occurs and said she has asked all along for this to take place.

COUNCILMEMBER WALLACE encouraged Ms. Dreska to contact Cobb County in an effort to obtain information relative to the review that was conducted by the NTOA.

MRS. SNEDIGAR also recommended that the City Manager obtain a copy of the records relating to the Cobb County incidents.

ANNE OLNEY, a former Identification Specialist with the Chandler Police Department Crime Lab, said that she is present this evening to support Dawn Snedigar and her request that an independent review of the Sierra Palms incident be conducted. She referred to the contents of a letter dated December 12, 2002 which she forwarded to the Council outlining her concerns related to the Officer Snedigar homicide. She said that she had been assigned to the Sierra Palms investigation and noted that her assignments included video documentation and latent print processing. She stated that during the course of her investigation, she was disturbed by what she observed at the crime scene. She added that she addressed her concerns with her superior officers with the intention of preventing future incidents from occurring, but as a result of coming forward, she found herself in a hostile working environment and was subjected to systematic retaliatory harassment by her superiors, which finally led to her resignation in February of 2001.

MS. OLNEY said that she shares Mrs. Snedigar's concerns regarding policies and procedures that were in place during the incident and said that they mirror questions that she and others raised with their superiors following the investigation and which still need to be answered. She

said that the men and women of the Chandler Police Department deserve to have a safe and professional work environment and spoke in strong support of conducting the independent review, as requested by Mrs. Snedigar.

Discussion ensued relative to video taped documentation of the crime scene performed by Ms. Olney; the fact that Ms. Olney had advised her superiors that she did not feel she had the experience necessary to conduct the investigation and did not feel that as a member of the Department she should investigate one of her own; the fact that she was directed to carry out the investigation as she would any other homicide investigation without further questions or issues; Ms. Olney's understanding that it is not beneficial to investigate your own officer involved homicides due to possible repercussions in judicial proceedings in the future; harassment she subsequently suffered resulting in filing a grievance, and her belief that the contents of her letter were based and presented on a professional rather than emotional level.

GLENN BELL, stated that he was addressing the City Council in attempts to present a solution. He suggested that some of the issues could have been reviewed if the City had an Environmental and Safety Committee. The committee could provide anonymity, which has been an issue, and could provide another separate avenue for review. In addition, he asked that the City Council take into consideration that the incident involved participation by other agencies as well and suggested they be included in the review.

KENNY THATCHER stated that he is the Sergeant referred to by Ms. Olney and said he would like the opportunity to clarify a number of issues. He reported that investigators from the City of Tempe Police Department headed and directed the investigation of the Sierra Palms incident. He explained that they requested that Identification Specialists from the City of Chandler Police Department become involved in the investigation, based upon manpower needs, and although Chandler Police were allowed to be present and provide input, the Tempe investigators had the final say in giving direction to the Identification Specialists. He emphasized that it was not a Chandler Police Department investigation, it was performed by an outside agency with Chandler assistance to ensure that everything possible was being done.

DAVE NEUMANN, a Lieutenant with the Chandler Police Department and formerly assigned with the SAU, said that he is speaking as a citizen as not as a representative of the Department. He said that he has been in law enforcement for over 24 years, 17 of them in Chandler, and added that on the date of the incident, April 16, 1999, he served in the capacity of Patrol Shift Lieutenant as well as a Lieutenant on the Special Assignment Unit, involved in the decision-making process that took place. He stated that they had received word that three suspects were fleeing from an armed robbery of a jewelry store in Tempe and at least one was armed with a handgun and another had a hammer. He added that the car they were driving was found abandoned at the Sierra Palms Apartment complex, which consists of 21 buildings and 320 apartments. He advised that the armed suspect tried to break into an occupied apartment but failed in this attempt. Mr. Neumann said that when he arrived on the scene, five Chandler Police Officers were searching the complex and he made the decision to call the SWAT teams from Chandler and Tempe to assist in a systematic search of the complex. He reported that shortly after the search began, apartment 1055 was found to have a broken arcadia door. He said that a parameter was set up around the apartment and the officers were given their assignments. He added that the officers called into the apartment using their voices first and then a phone but there was no answer. He stated that they learned from the apartment complex management that there was an occupant in that residence and obtained both the apartment telephone number and business address and telephone number of the occupant, who was on vacation and whose whereabouts were unknown.

MR. NEUMANN reported that the supervisors on scene considered whether the suspect or suspects were inside the unit or had left; whether they were out of the perimeter; whether anyone was inside the apartment; whether an occupant or resident was being held hostage inside the apartment; whether the occupant was injured and alone, and whether the suspect(s) had moved on into another apartment. He stated that they did not have the answers to these questions that were discussed at the Command Post that was manned by a Commander from Chandler, one from Tempe, three Lieutenants from Chandler and a Team Sergeant also from Chandler, all of whom had tactical experience. He commented on the various methods of proceeding that were discussed, including the use of gas, and said that based on the information that they knew and believing the suspects to be armed with a hammer and a handgun, it was determined that the best plan of action at that time was to enter the apartment and conduct a search. He noted that a plan, formulated by a Team Sergeant and his Team, was approved by the Command Post and distracting devices were authorized for use. He said that they found a man lying in wait, wearing body armor and armed with a rifle and added that the man would not respond to the efforts of the Police calling into the apartment in attempts to determine whether anyone was in the apartment and, if so, if they were willing to give themselves up. He stated that the man chose not to respond, to lay in wait to kill and to be killed. He said that this man is the one who is responsible for Officer Snedigar's death.

MR. NEUMANN stated that there are inherent risks associated with the work carried out daily by members of the Police Department. He noted that the officers are trained in what to do if an officer is injured or killed because police officers are killed and/or injured every day in this country. He added that the only way to ensure that this will not happen, is to not have them out on the streets, putting their lives at risk every day to ensure the safety of the community. He advised that recommendations were made following this incident and new equipment and training was obtained as a result. He emphasized that there were lessons learned. He said that things could have been done differently and it is easier to second guess after the fact, particularly based on information available now that was not available at that time. He emphasized that Police Officers often have to make critical decisions within seconds and do not have the opportunity to sit back and analyze a variety of issues. He stated that difficult decisions were made on the day of the incident and Mrs. Snedigar and the Chandler Police Department suffered a tragic loss. He reiterated that the suspect is the person responsible for this tragic loss.

MR. NEUMANN also commented on the two incident debriefings that were conducted by the Department shortly after the tragedy took place. He added that after the people responsible for Officer Snedigar's death were tried, a presentation was put together and given to the Arizona Tactical Commander's Association, which consists of all the tactical agencies in the State of Arizona, and a debriefing was given regarding this incident so that they could take the information back to their teams. He commented that approximately one month after the incident, they attempted to conduct a debriefing with the Arizona SWAT Teams' Association. He said that invitations were sent out by the Department and people arrived for the session. He added that just prior to the debriefing, they were informed by the County Attorney's Office that the Tempe Police Department, which investigated the homicide of Officer Snedigar, had decided not to go forward with the debriefing.

MR. NEUMANN said that if the Council should move forward with the independent review he requests that it be conducted by a professional organization which will perform a thorough and impartial analysis based on the evidence and the facts and not on the rumors and innuendos.

MAYOR DUNN thanked Mr. Neumann for his comments.

COUNCILMEMBER ANDERSON stated that he sympathizes with Lt. Neumann and the other officers involved. He also thanked COUNCILMEMBER BRUNO for placing this item on the agenda. He commented on the benefits of conducting an independent review and added that the review can be broadened to look into expanded SWAT Team improvements. He said that he has spoken with other City Mayors and they have been enthusiastically responsive to opening a dialogue between cities for improving SAU operations East Valley wide, a cooperative effort to develop and support a single East Valley Metro Tactical Squad. He explained that the concept seeks to have a specialized, elite unit trained specifically in tactical SWAT operations and commented on the anticipated benefits of such a concept.

COUNCILMEMBER ANDERSON reported that Chandler currently cross trains its officers in SWAT operations at a cost of over \$124,000 a year and said that if the City spends an estimated \$200,000 a year to form the special Tactical Squad, to protect lives and lower risks, that money will be well spent.

Councilmember Anderson read an answer that was contained in a memo dated January 8th in response to a set of questions received by Mrs. Snedigar. The question: *"why is administration fighting so hard to prevent an independent review so as to learn from the actions taken April 16, 1999?"* The answer: *"it is a mistake to believe that we are fighting a review of the incident in question for any other reason other than to question the benefits versus the harm it will do. The Department has addressed concerns with the operations through training and with new and updated equipment. Both of these factors will better enable the SAU Team to respond to the incidents with increased safety and confidence. Future improvements will continue to be sought out. We do have a concern with the objectiveness of the review being done by the NTOA. In past reports performed on other agencies, it would appear that they seek to place blame instead of stating findings and recommendations to assist in the future development of the team."*

COUNCILMEMBER ANDERSON added the opinion that the next portion of the letter is very critical: *"The Department is also concerned about various officers involved in this incident to be continuously and publicly identified. Our concern is for the welfare of those officers and their families. Shortly after the incident we had rumored intelligence that indicates that the New Mexican mafia had learned the names of two of the officers at the scene and would like to carry out their execution, if presented the opportunity. Additionally, we also had information that it was rumored that the same organization was not pleased with Mrs. Snedigar's call for an outside agency investigation, which may bring attention to their organization. And finally, one of our officers had a brother who was incarcerated in the Arizona prison system and we took immediate action to notify the corrections personnel so that the brother would be protected from possible reprisal from this organization's members who might be incarcerated at the same prison. There are concerns also for the Chandler Police Officer and his family who detained the two suspects who were attempting to leave the apartment complex which resulted in them being identified, charged and convicted. Validating these concerns, the Tempe Police Department contacted the City of Chandler and requested that the names of their officers who assisted with this incident not be made known in this document for fear of reprisal to them or their families. A major concern is a continuous call to keep this incident in the public eye and it is causing an emotional strain on the five Chandler Police Department members and their families who had primary involvement in the incident. Several are already seeking counseling and have expressed the emotional stress of having to continuously relive the tragic incident. This stress is affecting their families in ways that will be felt for years to come."*

COUNCILMEMBER ANDERSON said that one of the involved officers stated: *"The continuing pressure and seditious nature of the outgoing events makes it impossible to do my job. I question whether my subordinates have confidence in my leadership abilities. My ability to make leadership decisions is gone. Coming to work is the hardest part of my day. I am losing sleep and looking to get out. What is going on has corrupted the command structure to the point where leadership is impossible. I feel like a criminal for doing my job, killing the suspect, and for protecting the community. I have testified or discussed this issue in over ten different forums, most of which are public record. Why does the City feel it necessary to continually exasperate an already impossible, emotional situation? Every day is just like it happened yesterday. If you don't think post traumatic stress disorder is real and debilitating, I invite you to live in my world for just one day."*

COUNCILMEMBER ANDERSON stated the opinion that what will be accomplished in the motion as it stands will not guarantee that our friends in public safety who put their lives on the line every day will come home. He added that when it is presumed that the collective assemblage of this body has answers to the preservation of lives of those who preserve and protect the citizens of this community, the presumption is narrow and somewhat obscured. He said that this issue weighs heavily on his heart and the decision to nationally promote an outside investigation will further endanger those men who put their lives on the line with Officer Snedigar on that day. He added that he would like to amend the motion.

MOVED BY COUNCILMEMBER ANDERSON, SECONDED BY VICE MAYOR HUGGINS to direct the City Manager to amend the current Request for Proposal regarding a Police operational review to add review of the discussion and decisions made final to prior entry at the Sierra Palms Apartment April 1999 SAU operation and to include a review of the Police Department as part of the SWAT operations, specifically the Sierra Palms operation, to initiate intra-city dialogue that will lead to an East Valley Metro Tactical SWAT Unit.

COUNCILMEMBER ANDERSON added that based on the endorsement of the East Valley Mayors to enter into dialogue with the City of Chandler relative to joint efforts regarding the formation of a Tactical SWAT Unit, he would request the Council's support for the proposed amendment and motion.

COUNCILMEMBER BRUNO stated the opinion that Chandler's Police Department and special units already possess the necessary tactical experience. She added that she does not believe that an East Valley SWAT Team will be able to respond to Chandler's needs when they are being sought. She stated the opinion that the Department and the members of the community desire to have a local team in place and commented on the extensive training and expertise that already exists in-house. She reiterated her opinion that an outside review of the facts must be conducted.

COUNCILMEMBER WALLACE commented on the discrepancy that exists regarding the actual hours of training that has been provided. She added that she has heard many negative comments regarding "contracting out" tactical responses, including negative impacts on response times and lack of priority deployment. She expressed the opinion that SAU services for Chandler would be relegated to at best a secondary priority if incidents were to occur simultaneously. She commented that Councilmember Anderson's amendment includes absolute direction to move forward with a SAU Team and she said that she cannot support something that she has no knowledge of. She added that much more research must be conducted before she can support proceeding in this manner.

In response to a request from COUNCILMEMBER WALLACE, Office Lavoy commented on the memo he wrote regarding the actual number of training hours the officers received and said that he stands by the information contained in that memo. He added that he has been serving as a member of the Committee that was formed to determine the actual number of training hours that have been provided to the officers. He stated that all of the members of that Committee have signed off on the final report that was forwarded to the City Manager earlier today. He confirmed that their signatures on the document confirm their acceptance of the information contained in the report.

MAYOR DUNN said that if he understands Councilmember Anderson correctly, he wants the prospect of perhaps having an East Valley SAU Unit or SWAT Team as a point of consideration as part of the operational review. COUNCILMEMBER ANDERSON added that the amendment reads that dialogue will be initiated among the cities and said that the Mayors of surrounding cities have indicated their interest in conducting dialogue relative to this issue. He stated the opinion that a total of 20 to 25 operations a year would occur and said that the City of Chandler employees 26 part time members on that team.

The Mayor added that he believes that Councilmember Anderson wants this issue included as part of the scope of work and said that obviously any decision to pursue that further would occur following the completion of the operational review and would be a decision of the full Council and the Councils of other involved cities. He said that staff can certainly be directed to initiate dialogue among the other Mayor's relative to the formation of the unit and reiterated that this will be included under the scope of work for the operational review and be part of the completion or perhaps a recommendation that results from the review.

COUNCILMEMBER WALLACE asked the City Attorney whether the item on the agenda encompasses the Council's ability to render a decision about moving into discussions with other cities regarding the formation of a separate SAU Team. She pointed out that the issue at hand is a review of the Sierra Palms incident of April 1999. MR. O'NEILL stated the opinion that the portion of the motion that talks about looking at that as part of the review is perfectly appropriate and within the scope of the topic on the agenda. He added that as far as entering into discussions regarding this matter, he believes that this should come back before the Council. He stated the opinion that this would only take place following the review and said that Councilmember Anderson may need to clarify that particular point.

MAYOR DUNN confirmed that the Council would wait for the operational review to be completed prior to entering into discussions regarding the formation of the special unit. MR. O'NEILL said that this action would then come back before the Council following the study and pointed out that the study may determine that there would be no merit in pursuing the formation of the proposed team. Mr. O'Neill added the opinion that it would be appropriate to look at this issue as part of the review or study. He clarified that if the intent of Councilmember Anderson's motion was to enter into discussions prior to the completion of the study, he does not believe that would be appropriate.

In response to a question from COUNCILMEMBER WALLACE, Mr. O'Neill stated that he is comfortable that the motion, as clarified, is appropriate. He said that the subject matter is a review of the incident and what can be done differently the next time. He added the opinion that Councilmember Anderson's amendment constitutes a recommendation to look at an area that he believes they can do differently in the future.

COUNCILMEMBER WALLACE asked Officer Lavoy whether he and the ten other officers who signed the memorandum still stand by their statement of support relative to conducting an outside operational review of the Sierra Palms operation. Officer Lavoy confirmed that they do in fact stand by that statement.

COUNCILMEMBER WESTBROOKS stated that he appreciates Officer Lavoy and the other officers' courage in coming forward and stating the facts contained in the memorandum relative to the number of training hours. He asked Office Lavoy what his opinion was regarding contracting out SAU operations. OFFICER LAVOY said that the Department, as whole, is outstanding and has only the utmost concern for the citizens they serve. He stated the opinion that the best thing the City could do would be to allow the SAU Team as it currently stands to heal, move on and provide whatever they can to the citizens they serve.

COUNCILMEMBER CACCAMO asked whether the SAU Team would be better served if it were comprised of full time members with full time training and no other diversions. OFFICER LAVOY discussed budgetary restraints and expressed the opinion that the Department could not justify approval of a full time team. He added that more growth is necessary before he believes a full time team could be justified. He also informed the Council that a sub-section of the SAU Team, currently referred to as ISU, the Investigative Support Unit, is in place and is comprised of tactically trained SAU Team members as well. He said that this team has specialized training and saves the City a considerably large amount of money in that the entire SAU Team itself does not have to be called out for every situation that arises. Officer Lavoy agreed that the more training that is provided the better, but also stressed the importance of ensuring that the costs are warranted that that the most cost effective methods are in place.

COUNCILMEMBER WALLACE state that preliminary information obtained from the Arizona Police Association indicates that most Police Departments in the Valley already have their own SAU or SWAT Teams in place. Those that contract out for this service have three choices, a current mutual aid agreement, the Arizona Department of Public Safety, DPS, or the Maricopa County Sheriff's Office. She expressed a concern in considering the amendment would be the fact that response times for would be significantly different than if Chandler used its own team and it was her opinion that the citizens of Chandler deserve to have their own SAU Team in place to assist in critical situations.

FRANK PEAKE addressed the members of the Council and stated the opinion that the detail questions, relative to tactics and issues specific to the incident, should be addressed as part of the review process prior to reaching any conclusions. He added the opinion that some of the information that is being requested by the members of the Council tends to come across as if the review has already begun.

MAYOR DUNN thanked Mr. Peake for his input.

COUNCILMEMBER BRUNO stated the opinion that it is her responsibility to raise questions.

COUNCILMEMBER WESTBROOKS requested that the amendment to the motion be re-read for the purpose of clarity.

COUNCILMEMBER WESTBROOKS said that he has concerns regarding the "lead to" as it suggests that we are going to do that instead of discussing the possibilities and asked if the motion maker would be willing to clarify the amendment.

City Attorney DENNIS O'NEILL stated that the motion says "to include in the review the possibility of intra-agency discussion" so the study is looking at that and coming back to the Council and the Council will decide. He agreed that it would not be proper this evening to make that decision and said it would be appropriate, however, to have the review look at the possibility of doing that and for them to bring this back to the Council with a recommendation.

MAYOR DUNN clarified that two points are included in the amendment, and said that both the primary motion and the amendment is to proceed with an independent review of the incident. He stated that one would be a "stand alone" and an addendum to the current independent operational review process. He added that the second point would be to include in the scope of the work of the independent operational review the possibility of having a multi-jurisdictional SWAT Team instead of a team for the City of Chandler alone. He said that the third item that he would like to clarify is that he does not mind beginning the dialogue, and he would expect that the City Manager would initiate that dialogue with other City Managers in an effort to determine whether interest exists to pursue this matter. He stressed that whatever dialogue takes place, it must be reported to the vendor in charge of the operational review for that entity's consideration. He reiterated that the issue will come back to the Council following the completion of the operational review.

In response to a question from the Mayor, MR. O'NEILL clarified that he is saying that the motion includes language relative to the "possibility or option" of conducting discussions with other cities relative to a joint effort. He stressed the importance of clarifying that the Council is not directing that those discussions take place until the review comes back and the recommendations of that entity are reviewed. He said that only then the Council will decide whether or not to proceed.

MAYOR DUNN concurred with Mr. O'Neill's comments and said that he would prefer that discussion not take place until after a policy decision has been made from the dais. The Mayor stated that the amendment states that the independent review of the Sierra Palms incident will be a part of the operational review.

MR. O'NEILL stated that this is a motion to amend in the entirety, basically a new motion, and said it is important to make sure that everyone understands that the motion to amend will be considered first. He explained that this is simply to determine whether that is the motion the Council wants to consider. He added that if Councilmember Anderson's motion passes, a second vote will be required. He said that the Council will only be deciding, by that vote, whether to amend the motion and then it would require a second vote. He explained that if the motion fails, then they would have to go to the main motion, Councilmember Bruno's motion, and vote on that.

COUNCILMEMBER WESTBROOKS asked whether subcontracting agencies that specialize in the SAU type of operations could also respond to the RFP regarding the entire operational review. MS. DRESKA responded that it would depend upon the vendor, and explained that some of the vendors may possess the expertise to conduct SAU as well as operational review capabilities and, if not, they will have to specify in the RFP that they will contract out for these services.

COUNCILMEMBER WESTBROOKS emphasized the importance of clarifying for the members of the SAU Team that the Council is not considering contracting out for SAU services because of the issues that have been brought forward. He stated that he is open minded and willing to look at this option, but believes that Chandler should have their own SAU Team in place.

MAYOR DUNN concurred with Councilmember Westbrooks' comments and said that from his viewpoint, they are talking about the scope of work and he believes that this should be part of the comprehensive operational review that is going to be conducted.

COUNCILMEMBER BRUNO said that she has heard rumors this past week that this is exactly what was going to happen and that is why she will not support the motion.

COUNCILMEMBER CACCAMO commented that part of the idea of the independent review of the Police Department is that recommendations will be made and added that those recommendations will take into account input from the officers and SWAT Teams. He stated the opinion that until those recommendations come forward, rumors of retaliation and punishment should not be raised. He added that differences of opinion will occur and should be accepted.

COUNCILMEMBER WALLACE agreed with Councilmember Westbrooks' comments and said that she too heard rumors regarding the consideration of contracting out SAU activities in retaliation and said that she wants the SAU officers to know that this is not her intent at all. She explained that the amendment and motion on the floor, as stated by the City Attorney, will be something that will come back to the City Council for review and consideration. She added that the portion of the motion relative to discussions on forming an East Valley SAU Team will definitely come back to the Council for their final decision. She stated that she will not be supporting the amendment.

MAYOR DUNN said that the City Manager and the City Council will have to be convinced that as part of the operational review this issue can be addressed effectively and efficiently and be part of what they are trying to do on behalf of the Police Department.

A vote was taken on the amendment to the motion that reads:

Direct the City Manager to amend the current Request for Proposals regarding Police Operations Review to add review of the discussion and decisions made prior to final entry at the Sierra Palms Apartment April 1999 SAU operation and to include in review of the Police Department as part of the SWAT operations, specifically the Sierra Palms operation, with the possibility to initiate intra-city dialogue that will lead to an East Valley Metro Tactical SWAT Unit.

MOTION CARRIED BY MAJORITY (4 to 3) with COUNCILMEMBERS BRUNO, WALLACE AND WESTBROOKS voting No.

MAYOR DUNN then asked for a vote on the main motion, as amended.

MOTION CARRIED BY MAJORITY (6-1) with COUNCILMEMBER BRUNO voting No.

MAYOR DUNN thanked the Council for their efforts on this issue.

40. Direct the City Manager to amend the current Request for Proposal regarding Police Operational Review by adding review of City Councilmembers' participation in Police matters and effects on Police operations.

VICE MAYOR HUGGINS said that he requested that this item be placed on the agenda and is asking that the current Request for Proposals regarding the Police operational review also include a review of City Councilmembers' participation in Police matters and effects on Police operations. He explained that he is asking for an amendment to review, not for a criminal investigation, and added that he is not looking to place blame, he just wants to make the Council part of the overall

solution. He added that the Council should be striving for excellence within Chandler's Police Department and within themselves. He commented on the fact that employees are worried that studies will be used to place blame and he wants to them to know that this is not the case, the Council only wants to move forward and improve the operations of the Police Department.

VICE MAYOR HUGGINS stressed the importance of "leading by example" and said that if there are areas that the Council can improve upon, it is important to identify them and move forward. He stated that the Police Department does not operate in a vacuum and the members of the Council have varying degrees of involvement. He emphasized that he wants to make sure that the Council's involvement does not in any way interfere with the operations of the Police Department. He noted that this item is not directed at any particular Councilmember but is directed at the entire Council. He added the opinion that there is always room for improvement. He asked for Council support to ensure that the Council is doing everything possible to make the Police Department the very best it can be and to continue to strive for excellence.

MOVED BY VICE MAYOR HUGGINS, SECONDED BY COUNCILMEMBER ANDERSON, to direct the City Manager to amend the current Request for Proposals regarding the Police Department operational review, adding a review of Councilmembers' participation in Police matters and the effects on Police operations.

COUNCILMEMBER WALLACE said that she would like to amend the motion following an explanation. She stated that their job as Councilmembers is to set policy and as employees bring concerns to them, their job is to then take those concerns to the City Manager. She noted that the Council has four employees who work directly for them, the City Clerk, the City Attorney, the City Manager and the City Magistrate and explained that all other City employees work for the City Manager. She commented that she would prefer not to bog down the Police operational review with this item and said that she would like to expand this issue.

COUNCILMEMBER BRUNO stated she would second the motion for purposes of discussion.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER BRUNO, requesting that an investigation involving the Mayor and all members of the Council occur regarding possible violations of the City Charter that would include any threats or harassment of the City Manager relative to losing her job if she were to do her job with regards to the Police Department, comments made to two employees as well as citizens, whether it be through places of businesses or otherwise. She added that she would like to include the current Council as well as former Mayor Jay Tibshraeny and former Vice Mayor Bob Robson in that review, because they have been very much behind the scenes in a lot of the harassment that has been taking place. She said that she would like this to occur outside, under the direction of the County Attorney or Attorney General's Office, because she believes the City Attorney himself has been involved in some of these actions.

She noted that an e-mail has been received from the Police Chief indicating that he had to call in some "markers" to get "the heat off" and said that those are the things that need to be looked at, as well as violations of ethics and possible violations of the City Charter in terms of giving direction or repercussions to the City Manager, impeding her ability to carry out her job.

COUNCILMEMBER WALLACE stated that her amendment would be that this be turned over to the County Attorney or the Attorney General and that additional taxpayer monies not be spent on this.

MAYOR DUNN said that it is his understanding that the original motion is to have part of the operational review include questions relative to the involvement of Councilmembers in Police matters. He stated the opinion that perhaps some professional advice would be beneficial as to the most efficient method of dealing with issues that come from the Police Department. He added the opinion that this will be an aspect of the general operational review and will most likely benefit the entire Council in terms of the manner in which they handle issues such as that in the future. He added the opinion that not to include the members of the Council as part of the overall picture would be somewhat "arrogant" and added that if the Council has some things to learn in order to be a more effective Council, he is sure they are willing to learn those lessons from the experts and proceed from that point. He added the opinion that to ask for a potential criminal investigation to occur, requiring the involvement of the County Attorney or Attorney General's Office, represents a political statement and not within his consideration.

COUNCILMEMBER BRUNO stated the opinion that it is the Mayor's responsibility to "call to task" any member of the Council who is out of line. She stressed the importance of reviewing themselves and said that if Councilmembers are interfering, the City Manager and the City Attorney should also advise them of this. She added the opinion that an outside review is not necessary, the citizens are the ultimate review committee, and they need to let the Councilmembers know how they feel about the manner in which they are conducting business.

COUNCILMEMBER WALLACE said that her concerns are the direct result of statements she has heard from other members of the Council which she believes are direct violations of the City Charter. She stated the opinion that some of the members of the Council have over-stepped their roles and added that she would be happy to discuss this in executive session or in a public forum. She added that some of the statements that were made and brought to her may require the taking of depositions and that is why she spoke about County Attorney or Attorney General involvement. She noted that violations of the City Charter are grounds for removal from office and said that those were her concerns in bringing this forward. She said that she does not see a place in Vice Mayor Huggins' motion to add to the review of the Police Department. She stated the opinion that this represents the perfect opportunity to look at whether members of the Council have stepped out of line and need to be either held accountable or "refreshed" in what it is the Council can and cannot do, or rather what they shall or shall not do, according to law.

COUNCILMEMBER WESTBROOKS said that his concerns involve the fact that Agenda Item #40 is an amendment to the Police Department. He added that he would be happy to assess himself or the Council in any manner deemed appropriate, but stated the opinion that this issue is not appropriate and he doesn't understand either the connection or the goal. He requested that he be provided an example of the type of behavior or comments the Vice Mayor is referring to and also requested an explanation relative to goals that will be accomplished as a result of this action. He commented on the fact that the actions of the City Council impact all of the Departments all of the time and asked that specific examples be provided.

VICE MAYOR HUGGINS stated the opinion that a misperception exists in that he doesn't know whether problems exist either with members who serve on the Council or in the Police Department. He clarified that he is calling for a review to determine whether problems exist and said that it may be determined that none do exist. He added the opinion that the members of the City Council should be part of any review that takes place and its members should be trying to find out what they need to do to better improve their performance. He noted that the review will only address what the Councilmembers can do better, start doing, or stop doing as part of the Police Department review only.

COUNCILMEMBER WESTBROOKS stated the opinion that the Councilmembers have the ability to assess themselves at any time and said he does not understand why a motion has been brought forth to do so at this particular time. He added that outside experts who deal with Council-related issues could be brought in, sessions on Council ethics could be held, retreats could be scheduled, without attaching it to the Police Department review. He questioned why the involvement of the County Attorney or Attorney General's Office is included in the motion rather than simply hiring an independent agency to perform a comprehensive review of the entire Council and its overall performance and effect on the entire City.

COUNCILMEMBER CACCAMO stated the opinion that the goal of looking at the total operations of the entire Council could and should be accomplished in a positive, constructive manner at a future retreat but added that as long as a Police Department review is going to be conducted, a Council review relative to its affect on the Police Department operations should be allowed to go forth as well.

COUNCILMEMBER BRUNO commented that if they are going to include the Council's participation in the Police Department, that will include members who own Police scanners and arrive at the scenes of accidents, members who telephone the Chief or other members of the Department every day and it will even include conversations, details and perhaps information that may be being provided to some but not all of the Councilmembers. She emphasized that the scope of such a review would be extensive and cautioned against proceeding in this manner. She agreed with Councilmember Westbrooks' comment relative to the fact that the members of the Council, simply by serving as members of that governing body, are involved on a daily basis with government operations and added that this is simply part of their job.

MAYOR DUNN stated the opinion that a lot of good ideas have come forward in terms of improving the efficiency of this Council and added that he certainly has done his best to keep things on track. He expressed the opinion that the Vice Mayor is simply proposing that an aspect of the total operational review be expanded to obtain suggestions and recommendations from a professional expert vendor relative to what the extent of City Council involvement should be regarding various issues. He added the opinion that the proposed Council review will not cover all of the specifics, as stated by Councilmember Bruno. The Mayor added that many of the comments he has heard from members of the Police Department, the City Manager, and others has to do with the importance of determining what a proper process would be and how similar matters should be addressed in the future. He noted that the Councilmembers will have the opportunity to decide whether they want to implement any or all of the recommendations that are presented as part of the review.

MAYOR DUNN stated that the Council has a motion to amend the original motion to proceed with an investigation of multiple individuals and multiple situations, involving the County Attorney or Attorney General's Office, and called for a vote on this matter.

MOTION FAILED for lack of a majority (1 to 6) with COUNCILMEMBER WALLACE voting yes.

City Manager DONNA DRESKA pointed out that that right now, responses to the proposal are due by January 22nd. She said that the Council may want to allow a little more time, which would mean that the award would come back in March, for both of the amendments.

MAYOR DUNN then asked for a vote on the main motion

MOTION CARRIED by majority vote (4 to 3) with COUNCILMEMBERS WALLACE, BRUNO AND WESTBROOKS voting No.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN reiterated that the Celebration of Unity Event will feature Dr. Mae Jemison, the first Black woman astronaut in space. He said that Dr. Jemison will be the guest speaker at a luncheon to be held at the Sheraton San Marcos on Friday, January 17th. He added that the Anointed Voices Choir will also perform and tickets, available at the Center for the Arts, are \$25.00.

The Mayor also commented on the Multicultural Festival that will be held at the Library on Saturday, January 18th from 9 a.m. until 4 p.m. and said that at 11:00 a.m., Dr. Jemison will read excerpts from her book and have a book signing. He encouraged members of the community to attend this free, family-oriented festival and said that there will be entertainment, food and drink vendors, artists and crafts people performing demonstrations, a coffee festival and Motorola's International Way. He thanked the Friends of the Library for their efforts regarding this event.

MAYOR DUNN announced that Exploring the Dream: When Cotton Was King, a photographic exhibit by Oswald Harris, will be on display at the Library beginning this Sunday and running through February, Black History Month. He noted that the exhibit will feature African American men and women who have made a difference in our community.

The Mayor also said that the Martin Luther King, Jr./Civil Rights Day holiday will be held on January 20th and City offices will be closed in honor of this day. He said that the next Study Session and Council meeting will be held on January 23, 2003.

B. Councilmembers' Announcements:

COUNCILMEMBER WALLACE commended Mayor Dunn for his efforts with the Arizona Department of Transportation (ADOT) relative to the rubberized asphalt. She said she knows that the Mayor spent an enormous amount of time on that issue and added that she is extremely pleased with the results.

COUNCILMEMBER WALLACE also commended Councilmember Bruno. She said that the Downtown Chandler Community Partnership (DCCP) held a New Year's Eve "Denim & Diamonds" dinner and reported that \$25,000 was raised as a result of this outstanding effort. She advised that Councilmember Bruno and others put forth much effort to ensure the success of this worthwhile event. She added that Marian Stanley's efforts alone generated \$6,000.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 12:45 a.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 9th day of January 2003. I further certify that the meeting was duly called and held and that a quorum was present.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, January 23, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

Also in attendance:

Donna Dreska	City Manager
Pat McDermott	Assistant City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Nachie Marquez, Mark Eynatten, Garrett Newland, Chief Roxburgh, Laurie Stevens, Dave Siegel, Doug Ballard, Chief Harris, Bryan Patterson.

INVOCATION: The invocation was given by Pastor Robert Mitchell - Chandler United Methodist Church.

PLEDGE OF ALLEGIANCE: Councilmember Westbrook led the Pledge of Allegiance

SCHEDULED PUBLIC APPEARANCES:

1. Exceptional Merit Awards:

MAYOR DUNN, assisted by Police Chief Bobby Joe Harris, presented an Exceptional Merit Award to TAMARA SILVERSMITH. The Chief stated that Ms. Silversmith, a Police Records Clerk who has been employed by the City of Chandler since 1991, is being presented this award in recognition of her excellent customer service skills. She is an exceptional employee who is always willing to go "above and beyond" to assist the public and her fellow employees. She has a wonderful disposition and is eager to help in any way she can. Of particular noteworthiness is the assistance that Tammy provides in supplying information from the records section for both discovery and public records requests. Whether the request is for basic information or researching archive records, Tammy eagerly accepts each request and often follows up with City Staff handling this request to see if there is anything else she can assist with. Her commitment to the City of Chandler and its Police Department is truly worthy of this recognition.

MAYOR DUNN, again assisted by Police Chief Harris, presented an Exceptional Merit Award to TERESA BUSBY, who has been employed by the City of Chandler as an Identification Specialist III in the Police Forensic Science Division since May of 2001. Recently, the Arizona Automated Fingerprint Identification System underwent a major upgrade that resulted in a dramatic change in the user interface. These changes required every automated fingerprint identification system

operator in the State to be retrained. Teresa was selected by the State to be a trainer for the upgrades and she was responsible for developing and teaching training material for the data management system. She made herself available to work with the State and vendors to develop the training outline and greatly enhanced the overall training program by using her own computer skills to create a power point presentation. She is extremely deserving of this award and her efforts are appreciated by all.

MAYOR DUNN, assisted by DOUG BALLARD, presented FLOR FIGUEROA with an Exceptional Merit Award. Flor is a Customer Service Representative in the Community Development Block Grant section and she carries out her responsibilities with exceptional thoroughness and capability. Not very long ago, due to a staffing vacancy, Flor's division assumed additional duties working with Neighborhood Programs. Flor and others really pulled together and went "above and beyond" the call of duty to make sure that the needs of our Chandler residents were met. As a matter of fact, the department had a fairly aggressive goal for housing rehabilitations and Flor was the primary contact for those rehabilitations, 60 units in 60 days. Due in large part to Flor's efforts, this goal was met and exceeded by nine units.

2. Service Recognitions:

City Manager DONNA DRESKA stated that the employee who was to receive the award was not present at this time.

3. Presentation - Ojo Rojo Lion's Club Melvin Jones Fellowship Award:

MAYOR DUNN requested that STEVE FOSTER join him at the podium to assist him in this presentation. Mr. Foster asked ROGER NASH to come forward as well as other members of the Club present at the meeting. Mr. Foster, current President of the Ojo Rojo Lion's Club, said that he and the other members of the Club are present this evening to honor a City employee who has demonstrated 24 years of dedication to the benevolent humanitarian ideals practiced by this Club. The City of Chandler has long encouraged and supported its employees in volunteering and giving of themselves to the community through various civic organizations. Roger Nash joined this Club in 1979 and for the past 24 years, he has been a "constant." Roger has been very committed to all the events and fundraisers.

Mr. Foster explained the Lion's Club International Foundation developed the Melvin Jones Fellowship Award to honor people who demonstrate special dedication. Melvin founded the first Lion's Club in Chicago in 1917 along with a group of other Chicago businessmen who felt they needed to do more for those who had less. The organization is now in 119 countries and has a membership of 44,000. He stated it was his honor to present ROGER NASH with the Melvin Jones Fellowship Award this evening, as he is extremely deserving and exemplifies the basis upon the entire organization was formed.

4. Presentation - Chandler United Methodist Church 90 Years:

MAYOR DUNN, requested that Pastor ROBERT MITCHELL of the Chandler United Methodist Church, join him at the podium. The Mayor asked those members of the audience who are members of the church to stand and be recognized and thanked them for their attendance at the meeting. The Mayor read the Proclamation and stated that the Chandler United Methodist Church conducted its first Sunday School under the trees at the grammar school in Chandler. The first service in town was held at the Chandler United Methodist Church in January 1913. It is historically significant that Dr. A.J. Chandler donated a large lot on the corner of Chandler

Boulevard and California Street for the new Church in January 1913, and the first building was erected on that site in April 1914, out of wood, with no windows, and was commonly known as "the old flat Church." Dr. Chandler specifically chose this site as he thought a Church should be a pivotal part of downtown. Since 1913, the Chandler United Methodist Church has served the area in the same location and in the 90 years since that first service, the Church has been a powerful source of service and tradition in the community. The Mayor expressed his appreciation to the Chandler United Methodist Church for their enduring support and services to the community.

5. Proclamation - YMCA Strong Kids Campaign:

MAYOR DUNN, assisted by MARK HANKEY, Executive Director of the Chandler-Gilbert YMCA and other members of that organization, read a proclamation in honor of the YMCA and the Strong Kids Campaign. He stated that the organization and its programs are vital to Chandler and the East Valley in developing healthy families and providing a means for all to enjoy its facilities. The Chandler-Gilbert Family YMCA enriches and expands its ongoing work with young people in the community and provides a number of programs geared specifically to young people, including swimming lessons, aquatic safety, youth leadership, sports and technology. The Strong Kids Campaign provides financial assistance to help teach our youths the power and importance of values so that they may grow up to become strong, productive adults. The City of Chandler is committed to the success of the YMCA Strong Kids Campaign and encourages the public to pledge its support as well. The Mayor proclaimed January 21st through February 21st, 2003 Strong Kids Month in the City of Chandler.

COUNCILMEMBER BRUNO, on behalf of the citizens of Chandler and the members of the City Council, welcomed Mark and his family to Arizona. She encouraged the citizens of Chandler to stop by the YMCA and to check out the expansion, the fantastic computer room that was donated by Intel, and the new gym. She said that they have doubled the size of their exercise room and invited the citizens to see first hand the wonderful amenities that are offered by this wonderful organization.

6. John Retzger - I Bid You a Fair Adieu:

Mr. Retzger was not present to address the members of the Council.

7. Tom La Bonte - Professional Behavior When Addressing Council:

TOM LA BONTE, a resident of Chandler, said that he asked to speak tonight because of a recent City Council session he watched on Cable TV, Channel 11. He noted that the specific meeting he watched was attended by a large number of Chandler Police Officers and ordinary citizens speaking about recent events that occurred within the City. He said that he was impressed by the passionate speakers who presented their remarks to the Council in a respectful manner. He added, however, that he was not pleased or impressed by one member of the public who chose to use the public forum to be extremely rude and who made obscene gestures to the audience and the members of the City Council. Mr. La Bonte spoke in opposition to this type of behavior and recommended that a handout be developed that would specify guidelines for addressing the Council and would stipulate that future Council meetings would be edited prior to broadcasting to ensure that inappropriate actions, such as those displayed by the speaker at that particular meeting, would not be shown in the future to the viewing public, particularly youths who may view the session during the day. He encouraged all speakers to present their remarks in a

respectable, professional manner in the future and thanked the members of the Council for their dedication to the community.

MAYOR DUNN thanked Mr. La Bonte for his comments.

UNSCHEDULED PUBLIC APPEARANCES:

LEIGH RIVERS, a 14-year resident of the City of Chandler, said that Chandler is a good City filled with good people, but the reason that so many people have brought up flaws recently is because they want to make the City an even better place in which to live. He spoke in support of Councilmember Anderson's suggestion relative to the formation of a regional S.W.A.T. Team. He also thanked Mayor Dunn for his efforts to secure the use of rubberized asphalt on the freeways within the City and commented on the significant long-term advantages that will result because of his hard work. He said that thanks to leaders such as these, Chandler will overcome whatever problems arise.

MAYOR DUNN thanked Mr. Rivers for his comments.

CONSENT:

COUNCILMEMBER CACCAMO indicated that he had a potential conflict of interest on Item #3 (ZCA02-0004, City of Chandler) and said that he would refrain from discussing and voting on that item.

MOVED BY VICE MAYOR HUGGINS, SECONDED BY COUNCILMEMBER WALLACE, to approve the Consent Agenda as presented, with COUNCILMEMBER CACCAMO declaring a conflict of interest as noted above and Agenda Item 35 (Liquor License for Kwik Mart) moved to the Action Agenda. MOTION CARRIED UNANIMOUSLY (7 to 0).

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Special Meeting of January 6, 2003, the Regular Meeting of January 9, 2003.

2. CODE AMENDMENT: Amending/Adding to Chapter 29: Bldg. Safety Regs. Ord. #3409
(New Construction Codes)

ADOPTED Ordinance No. 3409, amending Subsections 29-1.1, 29-2, 29-3, 29-4, 29-5, 29-6.1, and adding new Sections 29-10 and 29-11, all of Chapter 29 Building Safety Regulations of the City Code and adopting by reference various uniform codes, as recommended by Staff.

3. CODE AMENDMENT: Chapter 35 – Group Home Ordinance # 3421

ADOPTED Ordinance No. 3421, (ZCA02-0004 City of Chandler), a City initiative to amend Chapter 35 (Zoning Code) of the Chandler City Code, by revising Article II pertaining to the definition of "Group Home" and by revising Article III pertaining to Use Permit requirements and review procedures relative to Group Homes, as recommended by Staff and the members of the Planning Commission.

(NOTE: COUNCILMEMBER CACCAMO DECLARED A CONFLICT OF INTEREST ON THIS AGENDA ITEM.)

4. CODE AMENDMENT: Council Approval of Contracts Ordinance #3423

ADOPTED Ordinance No. 3423, amending Section 3-9 and Section 3-11 of Chapter 3 of the Chandler City Code to establish limits for Council approval of alternative project delivery projects, as recommended by Staff.

5. DEVELOPMENT PLAN: Geneva Lakes Estates Extension Ordinance #3424

ADOPTED Ordinance No. 3424, (DVR02-0043 Geneva Lakes Extension), amending Ordinance No. 3199 by mending the condition to extend the construction timing for the rezoning from AG-1 to PAD on a 120-acre property located on the SEC of McQueen Road and Ocotillo Road. (Applicant: Andy Moore; Earl, Curley and Legarde; Owner: Paul Scherrer, Marthalinda Dairy.)

6. DEVELOPMENT PLAN: CVS Pharmacy Ordinance #3425

CONTINUED to the February 27, 2003 City Council Meeting consideration of Ordinance No. 3425, (DVR02-0040 CVS Pharmacy), a request for rezoning from C-2 PAD for an Automotive Service Facility, along with Preliminary Development Plan approval for site layout and building architecture for this 12,000 square foot freestanding commercial pad on approximately 2.04 acres, located on the NEC of Warner and Dobson Roads (Applicant: Withey, Anderson & Morris, PLC, Jason B. Morris).

7. EASEMENT/SRP: Electrical Facilities in Chuparosa Park Ordinance #3418

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3418, granting a no cost underground power easement to Salt River Project for installation and maintenance of electrical facilities in the 28-acre Chuparosa Park located north of Dobson Road and west of Earl Boulevard, as recommended by Staff. City Council awarded a construction contract for the development of this park at their August 8, 2002 meeting. When completed, the park will contain a variety of amenities including lighted walkways, restrooms, lighted picnic ramadas, lighted sports courts, playground, water spray playground, open space and landscaping. In order to operate the facility, it is necessary for the City to grant a power distribution easement to SRP to accommodate the facilities for distribution of electricity to energize the site.

8. CODE AMENDMENT: Changes & Technical Corrections to the Tax Code Ordinance #3422

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3411, providing for conforming changes and technical corrections to the Chandler Tax Code, as recommended by Staff. Following each Legislative session, Arizona cities, through the Unified Audit Committee, review new State laws to determine those areas of the Tax Code that require adjustment. Once this Committee approves any Tax Code changes, they are forwarded to the business community for comment and then to the Municipal Tax Code Commission for approval before presenting them to City Councils for adoption.

The Municipal Tax Code Commission approved three changes to the Model City Tax Code in November 2002 to align the Model Code with changes in State law and to make technical corrections. These changes have no significant impact on the City and will be incorporated into the Chandler Tax Code.

9. SETTLEMENT: Van Bebber v. City of Chandler, CV2001-092605

APPROVED the settlement Van Bebber v. City of Chandler, CV4001-092605, in the amount of \$18,000.00, as recommended by Staff. Ms. Van Bebber slipped and fell over a raised City of Chandler water meter box and the fall necessitated surgery to her ankle.

10. USE AGREEMENT: Wireless Telecommunications/Verizon Wireless Ordinance #3427
Permit for Site at Fire Station No. 2

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3427, approving a Wireless Telecommunications Use Agreement between Verizon Wireless and the City of Chandler, and granting an encroachment permit for a site at Fire Station No. 2, as recommended by Staff. When the Council adopted Ordinance No. 3062, Chapter 46 of the City Code, it set forth the City's requirements for encroachment permits for use of the City's rights-of-way and public property, as well as the licensing requirements for telecommunications companies. Verizon Wireless (VAW) LLC, dba Verizon Wireless, wishes to install wireless antennas and facilities at a site at Fire Station No. 2, located at 1911 North Alma School Road.

Ordinance No. 3427 grants a renewable five-year, non-exclusive use agreement to Verizon Wireless and a site specific encroachment permit at Fire Station No. 2, pursuant to Chapter 46 and consistent with State law. This agreement also requires the company to adhere to requirements set by Chapter 35 related to Wireless Communications Facilities. The City's Fire Department and Planning and Development Department have reviewed and are satisfied with the requirements specified in the Agreement. In addition, the Police and Fire Departments have found no interference issues that would present a problem to the City's communications system, although there are provisions to remedy any interference issues if any should occur at a later date. A benefit of this agreement is that it gives the Fire Department co-location privileges at the site for its emergency communications system.

Verizon Wireless will pay permit, inspection and pavement damage fees if applicable. The company will also pay \$500 a month rent for the first year and \$1,000 a month for the final four years for the Fire Station site with provisions for rent increases detailed in the Agreement. There will also be 2.75% privilege taxes applied on any non-interstate telecommunication services.

11. On the Action Agenda.

12. REAL PROPERTY ACQUISITION: Park Purposes: Ryan Road Resolution #3591

ADOPTED Resolution No. 3591, authorizing the purchase of approximately 1.78 acres of property located on Ryan Road, approximately one-half mile east of Gilbert Road, for park purposes from Standard Pacific of Arizona, Inc., a Delaware corporation, at a total cost for acquisition and certain offsite improvements, closing and associated costs, not to exceed \$226,300, as recommended by Staff. The Parks and Recreation Master Plan recommends the acquisition and development of one neighborhood park site within each square mile of residential development. This site will be included with two other parcels to create a park site consisting of approximately 10 acres and will serve the needs of the area bounded by Gilbert Road to the west, Queen Creek Road to the south, Lindsey Road to the east and Germann Road to the north in the Peterson Farms subdivision.

The Seller/Developer has agreed to sell the property to the City at the fair market value of \$146,100, or approximately \$82,100 per acre. The offsite improvements are calculated at a cost

not to exceed \$73,200. Offsite costs include reimbursing the developer for improvements completed including installing an 8" effluent water line, road paving, street lights, curb and gutter adjacent to the site. The balance of the estimated project cost is \$7,000 for closing costs and a Phase I Environmental Assessment.

13. REAL PROPERTY ACQUISITION: Improvement of Dobson Rd. Resolution #3592

CLIFF FREY, 3121 N. Arizona Avenue, representing Carl and Nancy Weckerly, the owners of 6 acres of property located on the west side of South Dobson Road, thanked the Council for the opportunity to address them. He stated that the Weckerly's are concerned that the irrigation ditch that runs along Dobson Road will be replaced and are worried about where they will get water during the construction period to keep their pecan trees healthy and growing in the summer heat. He said that Staff has assured him that water will be made available to sustain the trees and therefore, it is not necessary for this agenda item to be removed from the Consent Agenda. He indicated his intention to follow up on this matter with Staff in an effort to obtain written confirmation of Staff's willingness to address the Weckerly's concerns and thanked the Council for allowing him the opportunity to address them.

ADOPTED Resolution No. 3592, determining that acquisition of the real property needed for the improvement of Dobson Road from Frye Road to 1,500 feet south of Germann Road is a matter of public necessity; authorizing the purchase of said real property; authorizing condemnation proceedings as needed to acquire such real property and to obtain immediate possession thereof, and authorizing such relocation assistance as may be required by law, as recommended by Staff. On January 9, 2003, the City Council approved the alignment for the road improvement at this location. The project requires acquisition of real property (rights-of-way and easements) from private property adjacent to, near or related to the roadway being improved. Advertising for construction bids for the project is scheduled for July 2003. The real property for the project needs to be acquired as soon as possible so that the project can proceed on schedule.

This Resolution authorizes acquisition of the real property at fair market value either by purchase or condemnation. A reasonable negotiation period will be allowed for property purchases, after which condemnation proceedings will be initiated as needed to acquire the real property and to obtain immediate possession. Relocation assistance is authorized where required by law. The project schedule has acquisitions completed or immediate possession obtained by July 16, 2003. Approximately 18 parcels are involved and Staff is currently proceeding to obtain appraisals for the project.

14. CHANGE IN PUBLIC USE: Applying a Portion of Galveston Retention Basin to another Public Use Reso. #3594

ADOPTED Resolution No. 3594, applying a portion of the Galveston Retention Basin, located at the northwest corner of Galveston Street and Chippewa Drive, to another public use, as recommended by Staff. On July 27, 1983, the City of Chandler purchased a 7,443-acre site known as the Galveston Retention Basin. Due to City projects on Galveston Street, it is necessary to increase the width of the road right-of-way. A portion of the Retention Basin acreage includes a 7-foot by approximately 482-foot strip of land along the south end of the Retention Basin that will complete the 40-foot right-of-way on the north half of Galveston Street, between Chippewa Drive and Central Drive. It is necessary to provide additional right-of-way along the south side of the Galveston Retention Basin by applying a parcel of land measuring approximately 7 feet by 482 feet to another public use, namely public roadway.

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| 15. | <u>REAL PROPERTY ACQUISITION:</u> 3984 W. Calle Primera/McClintock
Roadway Improvement Project | Reso. #3595 |
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ADOPTED Resolution No. 3595, authorizing the acquisition of property located at 3984 West Calle Primera for the McClintock Roadway Improvement Project, in an amount not to exceed \$158,000, as recommended by Staff. On June 27, 2002, Council approved McClintock Drive Improvement Project No. ST0154-201 as well as the road alignment for the project and acquisition of real property. Staff was approached by the owner of property at 3984 W. Calle Primera, expressing concerns about the impact the proposed improvements to McClintock Drive would have on noise levels at the home and on the property value. The owner requested that the City acquire the full property, citing the impact of moving the roadway closer to the structure and of taking a significant portion of the front yard. This residence is the only property within the confines of this project featuring a residential driveway directly connecting McClintock Drive. Removal of the residence eliminates the concern posed by direct residential access to a major arterial street. This is the only property impacted in such a manner by the project. The property will be used for storm water retention and open space. This Resolution authorizes acquisition of the real property at fair market value and also authorizes relocation assistance as required by law.

16. REAL PROPERTY ACQUISITION: Improvement of Pecos Road
Dobson Rd. to McQueen Rd. Resolution #3597

ADOPTED Resolution No. 3597, determining that acquisition of real property needed for the improvement of Pecos Road from Dobson Road to McQueen Road is a matter of public necessity; authorizing the purchase of said property; authorizing condemnation proceedings as needed to acquire said real property and to obtain immediate possession thereof; and authorizing such relocation assistance as may be required by law, as recommended by Staff. On December 12, 2002, the City Council approved the alignment at this location, Project No. ST0244. The project requires acquisition of real property (rights-of-way and easements) from private property adjacent to, near or related to the roadway being improved. Advertising for construction bids for the project is scheduled for November 2003. The real property for the project needs to be acquired as soon as possible so that the project can proceed on schedule.

This Resolution authorizes acquisition of the real property at fair market value either by purchase or condemnation. A reasonable negotiation period will be allowed for property purchases, after which condemnation proceedings will be initiated as needed to acquire the real property and to obtain immediate possession. Relocation assistance is authorized where required by law. The project schedule has acquisition completed or immediate possession obtained by November 17, 2003. There are approximately 35 parcels involved. Staff is currently proceeding to obtain appraisals for the project.

17. REAL PROPERTY ACQUISITION: Riggs Rd. Improvement Project Resolution #3598
Arizona Ave. to Gilbert Rd.

ADOPTED Resolution No. 3598, determining that acquisition of real property needed for the improvement of Riggs Road from Arizona Avenue to Gilbert Road is a matter of public necessity; authorizing the purchase of said real property; authorizing condemnation proceedings as needed to acquire said real property and to obtain immediate possession thereof; and authorizing such relocation assistance as may be required by law, as recommended by Staff. On December 12, 2002, the City Council approved the alignment of a road project at this location, Project ST0124. The project requires acquisition of real property (rights-of-way and easements) from private

property adjacent to, near or related to the roadway being improved. Advertising for construction bids for the project is scheduled for October 2003. The real property for the project needs to be acquired as soon as possible so that the project can proceed on schedule.

This Resolution authorizes acquisition of the real property at fair market value either by purchase or condemnation. A reasonable negotiation period will be allowed for property purchases, after which condemnation proceedings will be initiated as needed to acquire the real property and to obtain immediate possession. Relocation assistance is authorized where required by law. The project schedule has acquisition completed by October 2003. Approximately 28 parcels are involved. Staff is currently proceeding to obtain appraisals for the project.

18. REAL PROPERTY ACQUISITION: Alma School Rd. & Warner Rd. Resolution #3599
Intersection Improvement

ADOPTED Resolution No. 3599, determining that acquisition of real property needed for the improvement of the intersection of Alma School Road and Warner Road is a matter of public necessity; authorizing the purchase of said real property; authorizing condemnation proceedings as needed to acquire said real property and to obtain immediate possession thereof; and authorizing such relocation assistance as may be required by law, as recommended by Staff. On December 12, 2002, the City Council approved the alignment for an intersection improvement at this location, Project No. ST0134. The project requires acquisition of real property (rights-of-way and easements) from private property adjacent to, near or related to the roadway being improved. Advertising for construction bids for the project is scheduled for January 2003. The real property for the project needs to be acquired as soon as possible so that the project can proceed on schedule.

This Resolution authorizes acquisition of the real property at fair market value, either by purchase or condemnation. A reasonable negotiation period will be allowed for property purchases, after which condemnation proceedings will be initiated as needed to acquire the real property and to obtain immediate possession. Relocation assistance is authorized where required by law. The project schedule has acquisition completed or immediate possession obtained by January 3, 2004. Approximately 30 parcels are involved. Staff is currently proceeding to obtain appraisals for the project.

19. MEMORANDUM OF UNDERSTANDING REVISION: City of Tempe Resolution #3606

ADOPTED Resolution No. 3606, approving a City of Chandler/City of Tempe modification of the Memorandum of Understanding (MOU) among the City of Tempe, City of Chandler, the Taubman Realty Group Ltd. Partnership and the Mills Ltd. Partnership, as recommended by Staff. In 1996, the City of Chandler and the City of Tempe were in competition to attract outlet malls to their respective cities. The outlet mall was developed in Tempe, but an agreement was reached to provide the City of Chandler some much needed short-term revenue and to provide some permanent revenue sharing between the cities of Tempe and Chandler as a type of insurance in case the commercial development within either city turned out to be unsuccessful. Chandler received an immediate reimbursement of their expenses in the amount of \$300,000 and was to receive \$1.95 million of short-term payments, which did not have to be reimbursed. The City will receive approximately two additional yearly payments before the \$1.95 million has been paid in full. The perpetual sharing stage of the agreement is scheduled to begin.

Both the City of Chandler and the City of Tempe have extremely successful commercial developments and as a result would be exchanging almost identical revenues with each other and would be generating significant paperwork in the process. Therefore, Staff recommended that the agreement be modified to eliminate the perpetual sharing between the cities in order to avoid additional paperwork and accounting. This modification should not detract from the significance of entering into a perpetual sharing agreement with Tempe in 1996. If one city's commercial development had been successful and the other one unsuccessful, the shared revenue would have been critical. The City of Chandler will continue to look for opportunities to enter into such agreements with other communities.

20. REAL PROPERTY ACQUISITION: Alma School Rd. South of Chandler Blvd. Reso. #3605
Bus Pullout & Transit Shelter

ADOPTED Resolution No. 3605, determining that acquisition of real property on the east side of Alma School Road south of Chandler Boulevard for additional right-of-way in connection with the construction of a bus pullout and transit shelter is a matter of public necessity; authorizing the purchase of the real property; and authorizing condemnation proceedings as needed to acquire the real property and to obtain immediate possession thereof, as recommended by Staff. Funds have been budgeted for several bus pullouts along Alma School Road, which are currently under construction. The bus pullouts with transit shelters require a minor amount of additional right-of-way. Bus Pullout #1 is located on the east side of Alma School Road and Chandler Boulevard and requires an additional 248 square feet of right-of-way from an adjacent multi-family development. The area to be acquired is essentially vacant land with possibly some minor landscape improvements.

In January 2002, the City Council approved a Resolution authorizing the purchase of a bus shelter easement over the subject property. However, the property owner later declined to sell the easement interest. Since then, the owner has insisted on unreasonable indemnification provisions in any easement it would be willing to convey. This Resolution authorizes acquisition of the real property in fee at fair market value either by purchase or condemnation. Staff is obtaining an appraisal and title report right now. A negotiation period of at least 20 days will be provided to acquire the right-of-way through an escrowed purchase. If unsuccessful, condemnation proceedings will be initiated as needed to acquire the property and to obtain immediate possession. The area to be acquired is not on a commercial corner and is quite small. While an appraisal is being obtained at this time, the total cost should be relatively nominal.

21. On the Action Agenda.

22. IMPROVEMENT FINANCING AGREEMENT: Circle G at Riggs Homestead Ranch HOA

DAVE ROER, President of the Circle G at Riggs Homestead Ranch Homeowners' Association, said that it was brought to his attention this evening around 5 p.m. by the City Attorney's Office that someone had submitted a letter to the Council that the members of the Association found to be factually incorrect. He said that the letter was sent last night around 8 p.m. to all members of the Council and he is present to address any questions so that the item may remain on the Consent Agenda. He added that a meeting of the Circle G at Riggs Homestead Ranch Homeowners' Association was duly held in the month of May and in support of what he is saying, the full Board and a complement of the Association are present at the meeting. He reported that at the May meeting, 101 people voted in favor of annexation, 15 people against specifically annexation, and 37 people abstained and did not vote. The 15 people who voted against annexation represent approximately 11% of the 153 lots within that portion of the subdivision.

Circle G at Riggs is comprised of approximately 196 lots, 43 lots on the north end of the subdivision are already in the City of Chandler; 43 lots therefore have City services and 153 lots do not. He said that the residents find this to be extremely objectionable.

MR. ROER commented that the information forwarded to the Council stated that 34% of the homeowners voted against annexation and emphasized that this information is incorrect and, in fact, the people who voted in favor of annexation, 101 of them, represent essentially all or the very vast majority of the people who live in the subdivision and have opted to have it as their way of life. This represents 86% of the people who reside in Circle G at Riggs, and therefore a very vast majority support proceeding in this manner. He added that as far as the property values represented, the 37 people who abstained and did not vote, were generally people who did not own lots within the subdivision and this obviously represents a very small dollar value against a comparative dollar value of the people who live within the community, have built their homes there and support the annexation.

MR. ROER said that this evening, upon receiving a copy of the letter, he took it upon himself to contact another member of the community who everyone knows and respects, the letter is from Edward and LeAnn Basha, and it was written in support of the annexation. He read the letter of support for the annexation into the record of the meeting.

MAYOR DUNN thanked Mr. Roer for his input.

APPROVED, as recommended by Staff, the Improvement Financing Agreement between the City of Chandler and the Circle G at Riggs Homestead Ranch Homeowners' Association, regarding property located between Riggs Road and Chandler Heights Road, west of Cooper Road. Unit 5 of Circle G at Riggs Homestead Ranch is already within the City limits. A majority of the 153 parcel owners in the balance of the Circle G development would like to annex into the City. The HOA and the property owners desiring annexation have circulated petitions and gathered votes of the residents. In the last vote taken by the HOA, approximately 66% of the 153 property owners voted in favor of annexation. There were 101 votes in favor of annexation and 15 votes against annexation, with 37 owners not voting.

Generally, the City requires developments to comply with City standards prior to annexation. This development lacks sufficient streetlights, street signs and stop signs to be in compliance with City standards. Therefore, the residents would like the City to form an Improvement District to provide and finance the required improvements. This agreement authorizes the City to proceed with the engineering and design for the necessary improvements before annexation is completed. In addition, it provides that the HOA will pay these costs in the event the annexation is not completed for any reason, or in the event the Improvement District is not formed or is unable to pay those costs. The agreement does not bind the City Council to approve the annexation nor to form the Improvement District. It also provides that the City Council retains discretion to approve the annexation only if all the legal requirements are met and if the annexation is in the best interest of the City. However, the agreement does provide that the City will act in good faith and use its best efforts to complete the annexation and the formation of the Improvement District.

23. CLAIMS REPORT: Quarter ending December 31, 2002

ACCEPTED the Claims Report for the Accounts Payable checks for the quarter ending December 31, 2002, which is on file in the office of the City Clerk.

24. PROJECT AGREEMENT: SDB, Inc. Improvements: Surface Water Treatment Facility

AWARDED a Project Agreement to SDB, Inc. for improvements to the Surface Water Treatment Facility, Project Nos. WA0327-401 and WA0328-401, in an amount not to exceed \$82,032, and to increase the expenditure limit on the annual Job Order Contract (JOC) from \$500,000 to \$1,000,000, as recommended by Staff. The Administration Building at the City's Surface Water Treatment Plant is over 15 years old and in need of improvements. This contract is to replace the worn ceilings throughout with a new suspended grid ceiling and to replace five of the existing glass doors on the office level for energy efficiency and weather tightness.

This action will also increase the upper limit of the annual JOC with SDB from \$500,000 to \$1,000,000. In the original JOC selection, the City was to award two JOC contracts, \$500,000 each, for a total of \$1,000,000 in annual JOC contracts. During selection, one of the three firms withdrew and one was non-responsive. Therefore, only one firm was selected and awarded one \$500,000 annual contract. This will allocate the \$500,000 intended for the second contract to the one selected firm.

25. PROJECT AGREEMENT: SDB, Inc. Resurfacing of Basketball Courts at Folley Park

AWARDED a Project Agreement to SDB, Inc. for resurfacing of the basketball courts at Folley Park, Project No. PR0315-401, in an amount not to exceed \$26,865, as recommended by Staff. The three existing concrete basketball courts at Folley Park are cracked and broken. Staff has obtained an estimate for resurfacing of the basketball courts and negotiated with SDB, Inc. for the installation. On May 23, 2002, a Job Order Contract (No. JOC 02-01) was approved by Council and awarded to SDB, Inc. for general contracting construction services, including minor construction renovations, repairs, additions, demolition, re-constructions and alterations services to City facilities. Staff obtained estimates for five options to repair the courts and the most cost-effective solution was an epoxy coating that restores the surface of the courts. This solution was presented to SDB, Inc. and the installation contract negotiated.

26. ENGINEERING SERVICES CONTRACT: Stanley Consultants/Construction Management
Dobson Rd./Elliot Rd. Intersection Improvements

AWARDED an Engineering Services Contract to Stanley Consultants for construction management of the Dobson Road/Elliot Road Intersection Improvements, Project No. ST0046-451, in an amount not to exceed \$333,068, as recommended by Staff. The Dobson Road/Elliot Road intersection improvements involves the construction of asphaltic pavement, decorative crosswalks and median, storm drain, water, sewer, traffic signal, streetlights, relocation of SRP irrigation pipe and other miscellaneous work. This engineering services contract will provide construction management for the project. The contract is anticipated to begin in January 2003 and be complete by the end of October 2003.

27. ENGINEERING DESIGN CONTRACT: HDR Engineering Assoc./Solid Waste Services
Complex

AWARDED an Engineering Design Contract to HDR Engineering Associates for the Solid Waste Services Complex, located at McQueen Road and Queen Creek Road, Project No. SW0302-202, in an amount not to exceed \$586,546, as recommended by Staff. On February 27, 2002, the City Council selected HDR Engineering Associates to provide engineering services to design the City's Solid Waste Services Complex Transfer Station. The Solid Waste Services complex will have facilities for management and storage of hazardous household waste, recycling/storage facility, and a new solid waste transfer station. The City awarded a contract for architectural

services to design the administration building and household hazardous waste facilities to Douglas Sydnor Architect & Associates on June 28, 2002. The solid waste transfer station was scheduled to be constructed next year but was recently reprogrammed for construction this year to meet the City's timeframe for closing the landfill. Design of a transfer station requires a firm with specialized engineering experience in this type of project. The other smaller on-site buildings for the household hazardous waste and recycling/storage facility are more typical buildings, which are best designed by an architectural firm. The transfer station consultant, HDR, will be using Douglas Sydnor as their architectural sub-consultant to coordinate the transfer station appearance and aesthetics with the overall site and smaller buildings.

With the transfer station design beginning, Staff believes it is more economical and efficient to combine the facilities into one construction project. HDR Engineering Associates will provide design of the solid waste transfer station, coordination with the designer of the household hazardous waste facilities and recycling/storage facility and engineering administrative services during the development of the Construction Manager at Risk guaranteed maximum price by the contractor and during construction of the solid waste transfer station.

28. PRE-CONSTRUCTION SERVICES CONTRACT: Layton Southwest Construction Co.
Solid Waste Services Complex

AWARDED a pre-construction services contract for the first step of the Construction Manager at Risk Project to Layton Southwest Construction Company for the Solid Waste Services Complex, Project No. SW0302-251, in an amount not to exceed \$69,841.00, as recommended by Staff. The Solid Waste Services complex will have facilities for management and storage of hazardous household waste and a new solid waste transfer station with an attached administration building. This contract is for the pre-construction services for using the Construction Manager at Risk process to construct all of the Solid Waste Facilities, including the transfer station/administration building being designed by HDR Engineering, Inc. and the household hazardous waste and recycling/storage facility being designed by Douglas Sydnor Architect and Associates, Inc. Combining all of the facilities into one construction project will result in savings in cost due to the economy of scale and savings in staff time in administering only one contractor on the same site.

29. CONTRACT: Fullerform, Arizona Works & Dana Kepner for Waterworks Supplies

AWARDED Bid No. WD3-4510-1975 for water works supplies to Fullerform, Arizona Works and Dana Kepner, in an amount not to exceed \$400,000, as recommended by Staff. The award is for the supply of a variety of waterworks products, which are stocked in the City's warehouse and used primarily by the City's Water Distribution Division. In addition to items stocked in the warehouse, Water Distribution will purchase some of the requested items direct from the recommended suppliers. Some of the products available under the requested contract include hydrants, valves, copper and brass fittings, mechanical joints, fittings and pipe. The contract will have a one-year term with provisions to extend for two additional one-year periods.

30. CONSTRUCTION CONTRACT: Mandan, Inc. Patio Door Replacements at 127 North Kingston Street (Elderly Housing)

AWARDED a construction contract to Mandan, Inc. for the patio door replacements at 127 North Kingston Street (Elderly Housing), Project No. HO0305-401, in an amount not to exceed \$31,977, as recommended by Staff. The City's Housing and Redevelopment Division manages 310 units of Public Housing. The Division included this patio door replacement project in their five-year

Capital Fund Program (CFP), which was approved by HUD. This construction contract is to replace all existing exterior patio doors on 35 units. Existing doors are 32 years old, have become unsightly and are a source of high maintenance. This upgrade will enhance the appearance of each unit, reduce maintenance costs, and provide the elderly residents with a lighter and more manageable patio door. The contract time is 60 calendar days. City Staff will provide construction management.

31. CONSTRUCTION CONTRACT: R.C. Wherty Construction, Inc. - Front Door Replacements at 127 N. Kingston St. (Elderly Housing)

AWARDED a construction contract to R.C. Wherty Construction, Inc. for front door replacements at 127 North Kingston Street (Elderly Housing) Project No. HO0304-401, in an amount not to exceed \$24,077, as recommended by Staff. The City's Housing and Redevelopment Division manages 310 units of public housing. The Division included this front door replacement project in their five-year Capital Fund Program (CFP), which was approved by HUD. This construction contract is to replace all existing exterior front doors on 36 units. Existing doors are 32 years old, have become unsightly, and are a source of high maintenance. This upgrade will enhance the appearance of each unit, reduce maintenance costs and provide the elderly residents with a lighter and more manageable front door. The contract time is 45 calendar days. City Staff will provide construction management.

32. APPROPRIATIONS TRANSFER: Airport

APPROVED an appropriations transfer in the amount of \$31,500 from Airport Contingency Reserves to Airport Public Liability \$5,283 and Airport Aviation Gas and Oil \$26,217; and \$61,500 from Airport Capital to Airport Aviation Gas and Oil, for a total appropriations transfer of \$93,000.00, as recommended by Staff. One aspect of the Airport's public liability policy includes coverage for acts of terrorism. The FY 02-03 budget anticipated insurance costs prior to recent Federal legislation implementing higher minimum coverage limits at airports for this type of liability insurance. To meet these new limits, an additional premium payment is required on or before February 6, 2003. To maintain airport liability coverage for acts of terrorism, the transfer of appropriation in the amount of \$5,283 from airport non-departmental contingency reserves to the airport non-departmental public liability line item is needed.

Sale of aviation fuel at the airport will exceed budget projections. The FY02-03 airport revenue estimates were based upon the airport's purchase/sales of approximately 80,000 gallons of aviation fuel. If current sales trends continue, staff anticipates the purchase/sale of approximately 133,000 gallons for FY 02-03. To allow the continued and uninterrupted purchase and sales of aviation fuel by the City through the end of the fiscal year, the transfer of appropriation in the amount of \$87,717 from airport non-departmental contingency reserves and Airport Capital to the airport non-departmental aviation as and oil line item is needed for fuel purchases. The appropriation transfer requested from Airport Capital is the City's matching share to FAA/ADOT grants that are not anticipated to be received in FY 02/03.

33. FUNDING INCREASE: City of Peoria Contract for the Purchase of Water Meters from Mountain States Pipe & Supply

APPROVED a funding increase to the City of Peoria Contract P8-0069 for the purchase of water meters from Mountain States Pipe and Supply, in an amount not to exceed \$700,000, as recommended by Staff. In June 2002, Council approved use of the City of Peoria contract for purchase of water meters in an amount of \$764,700. In the six months following that approval,

the City has spent approximately \$682,000 on water meters. Aging meter failures have required a 61% increase in meter replacement over the amount originally anticipated. Based on current trends, Staff estimates that an additional \$700,000 will be required for a total contract cost of \$1,464,700.00. A portion of the City's expenses (approximately \$900,000) is offset by Development Fees for new meter installations. The City of Peoria's contract expires July 31, 2003 with provisions to extend for one additional year.

34. PURCHASE: RecWare Safari Touch Tone Registration Software System from Active.com, Inc.

APPROVED the Sole Source purchase of RecWare Safari Touch Tone Registration Software System from Active.com, Inc. in an amount not to exceed \$36,129.00 as recommended by Staff. Since 1990, the Community Services Parks and Recreation Division has used RecWare to book facility reservations and process program/class registration. As the development of software improved, the Department upgraded the program to RecWare Pro around 1994. RecWare Pro met the needs of the Department until early 2000 when the department began analyzing future needs. In April 2001, the RecWare Pro software was upgraded to RecWare Safari because the Department had outgrown the program, because it did not allow for future technological enhancements, such as On-line or Touch Tone registration, and did not allow for computer links with satellite recreation centers.

Since the upgrade to RecWare Safari, Community Services implemented On-Line registration in August 2002 (fall registration). 47% of enrollments were completed via the internet. During the winter registration, 78% of enrollments were completed via the internet. The next phase to the software upgrade is the implementation of Touch Tone technology. This software will permit residents the option to register by phone, which will allow for greater customer service and give participants another option of registration methods. The Department is proposing a 16-line system to handle heavy registration volume and eliminate busy signals and wait time. This implementation of this phase will complete the software upgrade.

35. Moved to the Action Agenda - LIQUOR LICENSE: Kwik Liquor

ANGELA PETERS, a Chandler resident, requested that this item be placed on the Action Agenda.

36. SPECIAL EVENT LIQUOR LICENSE: St. Mary Basha Catholic School

APPROVED a City of Chandler Special Event Liquor License and that a recommendation for approval of a State Special Event Liquor License for the St. Mary Basha Catholic School be forwarded to the State Department of Liquor Licenses and Control. The Church plans to hold a Mardi Gras celebration school fundraiser on Saturday, March 1, 2003 from 6:00 p.m. until 12:00 a.m. at Seton Catholic High School located at 1150 North Dobson Road. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reported no objections to the issuance of the license. As the applicant is a non-profit organization, no sales tax license is required; however the special event liquor fee has been paid.

37. SPECIAL EVENT LIQUOR LICENSE: St. Katherine Greek Orthodox Church

APPROVED a City of Chandler Special Event Liquor License and that a recommendation for approval of a State Special Event License for St. Katherine's Greet Orthodox Church, be

forwarded to the State Department of Liquor Licenses and Control. The Church plans to hold an outdoor food Festival and Church Fundraiser on Friday, February 14, 2003 from 5:00 p.m. to 10:00 p.m.; Saturday, February 15, from 11:00 a.m. to 11:00 p.m.; and Sunday, February 16th, from 11:00 a.m. to 6:00 p.m. at the City of Chandler Community Center and surrounding area. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reported no objections to the issuance of this license. As the applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

38. FINAL PLAT: Calabria

APPROVD the Final Plat (FPT02-0063 Calabria), a 30.2-acre parcel divided into 47 single-family home lots on the SWC of Brooks Farm Road and Cooper Road. (Applicant: Kachina Tree Farms, L.L.C.) This request is for a subdivision in Southeast Chandler. The development has private streets with a gated entry and a central open space area. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required right-of-ways.

39. FINAL PLAT: Price and Germann Professional Center

APPROVED the Final Plat (FPT02-00655 Price and Germann Professional Center), a 38.9-acre parcel divided into 2 industrial lots on the NEC of Price and Germann Roads. (Applicant: Price and Germann Roads, L.L.C.) This plat is for the property that includes the AmeriCredit building now under construction. The subdivision divides the larger parcel into one lot and one tract. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required right-of-ways.

40. AGREEMENT EXTENSION: Brown Evans Distributing & Phoenix Fuel Co. - Dispensed Fuel

APPROVED an agreement EXTENSION (FAO9140-1630) for dispensed fuel with Brown Evans Distributing and Phoenix Fuel Company, in an amount not to exceed \$3,100,000, as recommended by Staff. The City has an ongoing requirement for fuel used in various City vehicles and equipment. Last year the City used approximately 453,000 gallons of unleaded and 81,000 gallons of diesel. In February 2000, the City Council awarded an agreement for dispensed fuel to Brown Evans and Phoenix Fuel. The contract was awarded for a three-year term with provisions to extend for two additional three-year periods.

MOVED BY VICE MAYOR HUGGINS, SECONDED BY COUNCILMEMBER WALLACE, to approve the Consent Agenda as presented, with COUNCILMEMBER CACCAMO declaring a conflict of interest on Item #3 and Agenda Item 35 (Liquor License for Kwik Mart) moved to the Action Agenda. MOTION CARRIED UNANIMOUSLY (7 TO 0).

ACTION:

Items on the Agenda were discussed out of order, but for purposes of clarity will remain as listed on the agenda.

11. CODE AMENDMENT: Adding Chapter 41 to the City Code (Establishing an Architectural Excellence Award Committee) Ord. #3428

GLEN VAN NIMWEGEN addressed the Council relative to this agenda item and stated that in response to Council direction, Staff has put together a program that recognizes outstanding architectural projects in urban design in the City of Chandler. He said that Staff is seeking Council approval of two actions this evening, the first is to introduce and tentatively approve Ordinance No. 3428, which establishes the Architectural Excellence Awards Committee and the second, to allocate funding in the amount of \$20,550 from General Fund Non-Departmental Council Reserve to the Planning and Development Department operating budget to fund the first year of the program.

MAYOR DUNN stated the opinion that this program represents a continuation of efforts that the Council has been doing for a number of years as far as demanding the best quality of life and the highest standards of design for projects within the City of Chandler. He added that the program is modeled after what other communities, such as Tempe, Scottsdale and Santa Fe, New Mexico, have done. He added that back in 1994, the City began adopting standards for all types of development in the City and said that effort was expended to get the word out to the development community exactly what the City's expectations are in this important area. He stated the opinion that citizen response has been strong and positive and the results are in line with the Council's overall vision for the City. He added that the policies that are in place enhance the quality of life in Chandler and greatly improves the identity of the City itself.

MAYOR DUNN added that in his opinion, the highest design standards should apply to all facets of development, from Wal-Mart to Nordstrom's, and added that they all provide opportunities to develop unique environments that will ultimately enhance the image and quality of life citizens enjoy in this City.

COUNCILMEMBER WALLACE expressed appreciation to Mayor Dunn for his efforts to bring this issue forward but said that given the City's current financial situation, she does have some concerns regarding funding associated with this issue. She commented on the fact that City departments were told that they could not bring forward requests this year and said that although she thinks that the idea is a good one and should be acted upon in the future, she does question whether now is the appropriate time to allocate funding for this purpose.

MAYOR DUNN noted that the funds would be allocated from Council reserves and stated the opinion that the expense is minimal when compared to the overall benefits that are received. He added that it will probably take at least a year to get the project "up and running" and reiterated the opinion that the minimal cost is well worth the eventual outcome.

COUNCILMEMBER WESTBROOKS asked whether any other avenues were available for this type of recognition. He commented on the fact that the Council attends annual Valley Forward meetings where facilities are recognized for environmental and architectural excellence and questioned whether another avenue such as this may be more cost effective and still provide the City with the ability to recognize worthy contributors.

MR. VAN NIMWEGEN responded that he is not aware of any other program available within the City and said he is familiar with the Valley Forward awards but that is the only other venue of this type he can think of.

MR. BALLARD stated that in terms of within the City of Chandler, he is not aware of any organization or group that recognizes or awards architectural excellence but added that the Arizona Planning Association hosts an annual awards program. He explained that the organization's program is oriented towards recognizing planning documents and proposals rather

than architecture and design. He added that the American Institute of Architects most likely participates in an awards/recognition program as well but noted that their awards are on a national rather than local level.

In response to a question from COUNCILMEMBER WESTBROOKS relative to ongoing costs associated with the program, Mr. Van Nimwegen stated that approximately ten categories have been identified. He said that Staff envisions an Excellence Award and a Merit Award in each one of those categories and added that potentially there could be years when there isn't an "Excellent" project to recognize and the costs could therefore vary from year to year based on the number of awards. He estimated that the range of awards would be anywhere from 0 to 40 and added that the "worse case" scenario as far as costs go would be \$8,000 for 40 awards. He noted that awards banquets and the awards themselves will require approximately 75% of the total funding, not including any Staff time.

COUNCILMEMBER WESTBROOKS said that he supports the concept and agrees with the importance of recognizing architectural excellence. He said that his concerns have to do with the fact that he attended meetings this week with both social service and faith based groups and they expressed concerns regarding a lack of resources available to carry out their critical and much needed programs. He stressed the importance of attempting to provide this type of recognition while still meeting the needs of organizations that provide much needed services to the community. He stated that it is his hope, should the program be approved and move forward, that funding for social service programs is also looked at during the budget process.

COUNCILMEMBER CACCAMO asked whether other cities were involved in similar programs and Mr. Van Nimwegen advised that the proposed program has been modeled after a program that has proven to be successful in the City of Tempe.

VICE MAYOR HUGGINS recalled difficult economic times that occurred during the late 1980's and said that at that time, the City of Chandler made a decision to implement a program entitled "Striving for Excellence," and said that since that time, the City has constantly been striving to achieve excellence. He spoke in support of the proposal.

MOVED BY VICE MAYOR HUGGINS, SECONDED BY COUNCILMEMBER CACCAMO, that Ordinance No. 3428, adding Chapter 41 to the City Code establishing an Architectural Excellence Award Committee be introduced and tentatively approved and authorizing the allocation of \$20,500 from General Fund Non-Departmental Council Reserve to the Planning and Development Department operating budget.

COUNCILMEMBER WALLACE stated that she remembers Tomorrow Conferences that were held in the 80's and 90's. She advised that they highlighted architectural excellence demonstrated by various Chandler based businesses at those conferences. She added that she does not know what was involved in the process but suggested that representatives from the Chamber of Commerce be asked to look into this. She also asked whether avenues exist through which private monies could be generated to fund this type of program.

MAYOR DUNN commented that the monies being allocated this evening represent "seed money" and nothing more. He said that he envisions that once the program is up and operating, opportunities will present themselves to raise private donations to fund this worthwhile program. He added that previous award recipients would be part of the fund raising process itself and added that the Chamber of Commerce, downtown businesses and industry representatives may

all become part of the process. He stressed the importance of a public/private partnership in this area but said initially, he believes the City must fund the "seed money" to get the program started.

In response to a question from COUNCILMEMBER WESTBROOKS, Mr. Van Nimwegen said that the City of Tempe has greatly benefited from the program in effect in that community in terms of achieving higher standards and improving the overall identity and quality of product in that municipality.

COUNCILMEMBER WALLACE reiterated her concerns relative to timing and funding and said that although she believes the proposal has merit, she does not believe now is the appropriate time to fund such a program.

COUNCILMEMBER WESTBROOKS stated the opinion that the City already excels in the architectural design area but said that he is willing to support the program in an effort to gauge its success and impacts in the future. He noted that the Council will have the opportunity to review the proposal during each budget cycle and will have the ability at that time to judge the program's overall value and contribution to the community.

MOTION CARRIED BY MAJORITY VOTE (6 to 1), with COUNCILMEMBER WALLACE voting No.

MAYOR DUNN thanked Mr. Van Nimwegen for his presentation.

21. PRELIMINARY DEVELOPMENT PLAN: Wells Fargo Ocotillo Corp. Center, Phase 1A

Principal Planner BOB WEWORSKI addressed the Council relative to this agenda item and said that this case (PDP02-0025 Wells Fargo Ocotillo Corporate Center, Phase 1A) is a request for preliminary development plan approval for Phase 1A (Buildings A and B) of a commercial office center located on the NWC of Price Road and Queen Creek Road. (Developer: Wells Fargo-Corporate Properties Group.) He added that the proposal is for the first two buildings, a total of 6 corporate office buildings, in this location. He said that this location has been the model for Chandler's high-tech corridor for corporate office development and high technology businesses as well.

MR. WEWORSKI noted that the applicant has provided an exhaustive amount of illustrations in the development booklet, as well as a video animation, which they are prepared to air this evening. He said that the applicant has worked closely with Staff in an effort to arrive at the very best product for this location and stated the opinion that the proposal complements the location extremely well. He noted that the buildings are 200,000 square feet each, four stories high, and they are centered around a large pedestrian plaza that ultimately will extend all the way throughout the entire office complex. He noted that extensive landscaping has been done along the Price Corridor as well as on Price Road and noted the presence of a large cascading water feature in the corner. He added that Staff believes that the building architecture is very appropriate for this area and noted the pedestrian features that have been included in the project. He discussed Staff's opinion that the project is consistent with the City's commercial design standards and said that Staff as well as the members of the Planning and Zoning Commission unanimously recommend approval of the project.

MR. LEO BAUMAN, representing Wells Fargo Corporate Properties Group, introduced the other members of the Project Development Team which included: Charles Brietenbucher, Scott Ebert, Richard Landry Cinda Wilford, Ron Heck, Francis J. Slavin and Tim Hoval.

At this time the video was aired and a brief presentation took place highlighting the details of the proposal.

In response to a question from MAYOR DUNN, the Mr. Bauman advised that in accordance with the purchase agreement, the existing dairy is currently under a purchase agreement and due to close escrow on March 13, 2003. He anticipated that the dairy will move to its new location in Maricopa sometime prior to the March 13th date. He added that they anticipate scheduling a ground breaking ceremony for sometime in April and said that the members of the Council will be asked to participate in that event. He estimated that they will begin occupying the first of the two buildings in August of 2004, and fully occupying the buildings through March of 2005. He noted that at completion they will have nearly 2,000 team members sharing office space at this location.

Discussion ensued relative to the fact that on the south 25 acres, in order to mitigate dust and weed problems, the applicant will be looking towards some temporary agricultural uses, such as alfalfa, for the interim period of time.

MAYOR DUNN thanked Staff and the applicants for their presentation. The applicants also extended their appreciation to Staff and the members of the City Council.

MOVED BY COUNCILMEMBER ANDERSON, SECONDED BY COUNCILMEMER WALLACE, that Preliminary Development Plan DPD02-0025 Wells Fargo Ocotillo Corporate Center Phase 1A, for Buildings A and B of a commercial office center located at the NWC of Price and Queen Creek Roads, be approved subject to the conditions recommended by the Planning Commission and Staff.

MOTION CARRIED UNANIMOUSLY (7 TO 0).

35. LIQUOR LICENSE: Kwik Liquor (Kwik Mart)

APPROVED a request for City of Chandler Series 10, Beer and Wine Store Liquor License #10074474 and that a recommendation for State Liquor License No. 300000553 for Nawal Z. Aranki, Agent, RZA Enterprise LLC, dba Kwik Liquor (Kwik Mart) at 600 W. Galveston Street, be forwarded to the State Department of Liquor Licenses and Control. The Police Department reported no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. With a Series 10, the business may sell beer and wine only for off-premise consumption.

ANGELA PETERS, a 16-year resident of the City of Chandler, spoke in opposition to the approval of this liquor license. She expressed concerns relative to the placement of the liquor store at the corner of Galveston and Hartford and commented on the fact that the Circle K that has been operating at that location already allows the sale of liquor but it is not a prominent item. She said that the Circle K is accessible to all people, not just adults, and stated the opinion that the proposed change to a liquor store is too close to the neighboring Hartford School and is too close to Chandler Junior High School as well as Chandler High School. She added that the neighborhood has been trying to redevelop and many of the neighbors, including herself, have worked collectively to try to improve their properties and their community. She expressed the

opinion the placement of a liquor store at this location would be contrary to neighborhood improvements and will negatively impact the area and public safety. She commented on illegal activities that already occur within the neighborhood and said that additional problems are not needed or wanted by the residents in that area. She requested that the Council deny the applicant's request to establish a liquor store at this location.

LAURIE STEVENS, Tax and Utility Services Manager, confirmed that there are no school or churches located within close proximity to the proposed store and that the applicant has applied for a liquor license rather than a use permit.

MR. CLIFF FREY, representing the applicant, stated that the owner's intention is not to convert the property to a liquor store. He said that the Circle K's lease has expired and they are leaving and a new tenant is coming in who intends to operate the business as a convenience store. He noted that the amount of liquor that will be sold at that location is actually being reduced and explained that at the current time, Circle K sells hard liquor, including whiskeys. The new owner intends to sell only beer and wine and therefore, the intent is to help the neighborhood rather than negatively impact it.

In response to concerns expressed by COUNCILMEMBER BRUNO relative to the fact that the proposed name of the new store appears to be Kwik Liquor, the owner of the property clarified that the name on the application is incorrect and the name of the new store will in fact be Kwik Mart rather than Kwik Liquor. He added that the phones that are currently in the store belong to Qwest Communications and the other phones have been removed from the property.

COUNCILMEMBER WESTBROOKS commented on the fact that the new store will be downsizing the liquor license from a Series 9 (hard liquor) to a Series 10 Beer and Wine License and asked what the percentage of food and liquor is sold in the store. The owner responded that 22% beer and wine sales and 78 to 80% food sales are anticipated. He added that the intention is to sell less liquor and more food at that neighborhood location.

In response to a question from Councilmember Westbrooks relative to whether the amount of beer and wine sales are limited in accordance with the license, Ms. Stevens stated that there is no limit on that type of license as far as the percentage of beer and wine sales that can occur. She added that the Council does not have the authority to place a stipulation regulating the amount of sales that can occur in accordance with a State license.

COUNCILMEMBER ANDERSON stated the opinion that the proposed downgraded use will impact the neighborhood less than the Circle K business did as far as the type and amount of liquor that will be sold.

Discussion ensued relative to the fact that the business will be operated as a "family" business.

In response to a question from COUNCILMEMBER BRUNO, Ms. Peters commented that the proposed downgrade is a positive action. She added that she does have concerns regarding the potential percentages of beer and wine sales that may occur and the fact that no limitations exist. Ms. Peters added that if they can rely on the new owners' statements, the neighborhood will not be impacted and she indicated her intention to monitor the situation. Ms. Peters thanked the members of the Council for addressing and responding to her concerns.

COUNCILMEMBER WALLACE commented that she has received a few calls relative to the proposed change in ownership and its proximity to Hartford Elementary School. She asked how

close the store actually is to that school. MR. BALLARD stated that he does not know specific distances, but does know that the store is beyond the 300-foot limit. MS. STEVENS said she believes it is approximately 400 feet away from the school site.

VICE MAYOR HUGGINS said that he too has received calls relative to this issue and asked whether the applicant has already stopped selling hard liquor at that location. The owner responded that the Circle K lease expires on February 15th and at that time, the sale of hard liquor will cease.

Ms. Stevens reported that that the current license belongs to Circle K.

COUNCILMEMBER WESTBROOKS noted that if the applicant wanted to upgrade the license in the future to include the sale of hard liquor, the matter would come before the Council for consideration and a recommendation.

MOVED BY VICE MAYOR HUGGINS, SECONDED BY COUNCILMEMBER WALLACE, to approve Liquor License No. 10, Beer and Wine Liquor Store License and that a recommendation for approval of State Liquor for Nawal Z. Aranki, Agent, RZA Enterprise, LLC, dba Kwik Mart, at 600 West Galveston Street, be forwarded to the State Department of Liquor Licenses and Control.

PUBLIC HEARING:

PH1. ANNEXATION: Approximately 320 acres of land located at the SWC of Ocotillo and Lindsay Roads.

THIS ITEM WAS WITHDRAWN

SPECIAL ORDERS OF THE DAY:

A. Mayor's Announcements:

MAYOR DUNN stated that the Mayor's State of the City address will take place on Tuesday, January 28th at the Center for the Arts. He announced that a City Council reception will be held at 6:00 p.m. and at 6:30 remarks will take place. He invited the citizens of Chandler to attend this meeting.

He commented on the Celebration of Unity events that took place this past weekend as well as the Multi-Cultural Festival and thanked Staff and the members of the Human Relations Commission for their efforts in this regard.

The Mayor announced that Winterfest activities, featuring snow, will be held on February 1st at the downtown Library Plaza from 9 a.m. until Noon.

He stated that a Black History Celebration will take place on February 7th and 8th. He discussed the fact that Councilmember Westbrook spoke at the opening of a photography exhibit downstairs and said it was a wonderful event. He added that this will be a kickoff for the South Chandler Self Help Foundation in presenting the annual Black History Celebration and both events are free and open to the public. Part I will be held on Friday at 7:30 p.m. at the Chandler

Center for the Arts and will feature a wide variety of entertainment, skits and displays. Part II will take place on Saturday, from Noon to 5:00 p.m. at Folley Park. He added that this event will also feature entertainment, food and beverages and encouraged attendance at this celebration.

B. Councilmembers' Announcements:

COUNCILMEMBER ANDERSON announced that he, along with Councilmembers Bruno and Caccamo, attended a faith based community meeting sponsored by Councilmember Westbrook and thanked the members of the community for their attendance at this worthwhile event. He also thanked Councilmember Westbrook for his efforts to schedule this event.

MAYOR DUNN said that he would have been present to support Councilmember Westbrook's efforts had he not been present at the East Valley's Mayor's Luncheon with the Governor. He too thanked Councilmember Westbrook for his efforts and noted that the Governor stressed the importance of "working together" to achieve common goals. He said that he has had several conversations with the Governor and she has committed to not cutting any State Shared Revenues and recognizes what Chandler does as a major East Valley City.

COUNCILMEMBER WESTBROOKS thanked everyone who participated in the faith based community event and also discussed his attendance at an East Valley Habitat for Humanities event last weekend that took place. He reported that the organization builds affordable homes for needy families and the families actually participate by putting sweat equity into the homes. He noted that a house dedication took place and commented on the worthiness of this program.

VICE MAYOR HUGGINS announced that the Fire Department's annual banquet will be held tomorrow, Friday, January 24th.

Adjournment: The meeting was adjourned at approximately 8:48 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 23rd day of January 2003. I further certify that the meeting was duly called and held and that a quorum was present.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, February 13, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

Also in attendance:

Pat McDermott	Assistant City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Nachie Marquez, Mark Eynatten, Garrett Newland, Chief Roxburgh, Pat Walker, Karen Barfoot, Doug Ballard, Jeff Kurtz, Acting Chief Newman, Bryan Patterson.

INVOCATION: The invocation was given by Pastor Jose Donan - Trinity Christian Fellowship.

PLEDGE OF ALLEGIANCE: Councilmember Caccamo led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognitions:

MAYOR DUNN, assisted by ACTING CHIEF NEWMAN, recognized RANDALL GREELEY for his ten years of outstanding service to the City of Chandler. Randall began his career with the City as a member of the Economic Development Team, followed by several years in the Budget Office. He graduated from Chandler's first Citizens' Police Academy and later joined the Police Department as a Planning Analyst. He went on to receive the Police Department's Meritorious Service Award. Randall currently serves as the Department's Planning and Research Manager, administering the Department's budget and Capital Improvement Program and performing crime analysis and research. He served two terms as the Southwest Chapter President of the International Association of Law Enforcement Planners and is also a guest lecturer for the Southern Police Institute, with the University of Louisville. He is an active church member and volunteer and has been the recipient of a number of prestigious awards recognizing his community involvement. Randall is an exemplary citizen and asset to the Police Department, the community and to Team Chandler.

MAYOR DUNN, once again assisted by ACTING CHIEF NEWMAN, recognized JON LABERGE for his ten years of dedicated service to the City of Chandler. Jon began his career with the City as a Patrol Officer and within three years became a detective in Chandler's Criminal Investigations Section where his specialty was narcotics investigations. He received an

Exceptional Merit Award for his part in successfully investigating, arresting, charging and prosecuting a major heroin dealer within the City of Chandler. Jon returned to field operations a few years later and began the task of Recruit Training Officer at the Arizona Law Enforcement Academy where he performed his duties in an exceptional manner. He was quickly promoted to Sergeant and returned once again to field operations as a Team Supervisor. Within one year, Jon was once again assigned to the Arizona Law Enforcement Academy. His new assignment was "Class Sergeant," which demands more responsibility, accountability and leading by example. John is a strong and visible supervisor as well as a mentor and leader and is an asset to the City of Chandler and the entire Department.

MAYOR DUNN, assisted by DOUG BALLARD, recognized TRESA MCDONALD for her ten years of dedicated service to the City of Chandler. Tresa began her career with the City as a Building Inspector and throughout her tenure, she has worked her way up through the ranks to become a Customer Service Supervisor. Her current duty involves supervision of the public counter in the Planning and Development Department. Over the years, Tresa has participated in a number of important departmental projects, most notable being the introduction, development and maintenance of electronic technology for tracking projects and issuing permits. Mr. Ballard said that Staff looks forward to working with Tresa in the future and hopes she has many more productive years with the City of Chandler.

2. Distinguished Budget Presentation Award for FY 2002-03:

Management Services Director PAT WALKER asked Budget Manager SUSAN HORNER to accept the award on behalf of the City and on behalf of the budget team. She advised that the City of Chandler recently received a Distinguished Budget Presentation Award from the Government Finance Officers' Association for the Fiscal Year 2002-03 Budget. She noted that this is the 15th consecutive year that the City has received this award and added that it represents both the highest form of recognition in governmental budgeting and a significant achievement on the part of the City of Chandler. She said that the award also reflects the commitment of the entire City Staff in meeting the highest principles of governmental budgeting.

MS. WALKER noted that every department within the City has contributed to the attainment of this award and commented on the fact that the budget is "user friendly" and easy to understand. She stated that budget Staff dedicates a significant amount of time and effort to this project in an effort to ensure that Chandler's citizens are provided a document that they can pick up, read and understand. She commended the other members of the budget team and Staff on their exceptional effort, said that she is proud to have such a dedicated Staff, and congratulated them on their achievement.

MAYOR DUNN also congratulated Staff on the receipt of this award and thanked them for their outstanding work and effort.

3. Intel Presentation - Outstanding Management of Chandler's Water Resources:

DAVE OLNEY, 695 West Beechnut, the Site Development Manager in Intel Corporation of Arizona's Public Affairs Office, stated that Intel once again has an opportunity to recognize some very "unsung heroes" who work in the Public Works Department and serve on a very important team known as the Environmental Resources Management Team. He asked that KAREN BARFOOT, BOB MULVEY and GEORGE HARVEY come forth to accept a plaque in honor of their work. He noted that the members have worked very diligently and successfully to secure and preserve Chandler's precious water supply for many years to come. Mr. Olney commented

on the fact that the members of the team have accomplished this great feat without much fanfare or public recognition and said that he hopes tonight to change that a little by raising public awareness relative to the significant achievements accomplished by this hard-working team.

MR. OLNEY stated that the City of Chandler has clearly demonstrated vision by its commitment to water conservation through the Chandler Water Reclamation Facilities which provides treated effluent for lakes, landscaping, and agriculture. He added that this commitment is also reflected through the Chandler industrial process Water Treatment Facility that recovers clean, processed water from Intel and returns that water to the aquifer. In line with this, he announced that on January 30th of this year, the City celebrated the recovery and recharge of the two billionth gallon of Intel high-quality processed water to the aquifer and explained that this would be enough water to fill Tempe Town Lake twice over with approximately 200 million gallons left over.

MR. OLNEY commented on the fact that because of these exceptional accomplishments, economic growth and development will be sustained in Chandler for years to come and emphasized the importance of this in attracting and maintaining major businesses within the City.

MAYOR DUNN thanked Mr. Olney for his comments and read the plaque to the members of the audience. He said that the City of Chandler cherishes their partnership with Intel and agreed on the importance and significance of the team's accomplishments. The Mayor also commented on the fact that he attended the Crescordia Awards presentations and said it was his honor to accept two awards at that event.

4. Leland L. Fairbanks, MD - Thanking the Mayor & Council for his Committee Assignment:

DR. LELAND (LEE) FAIRBANKS, 1866 East Benito Lane, Tempe, noted that a number of his family members are in fact residents of the City of Chandler. He said that Chandler is the site of the first hospital to declare itself "smoke free" in the State and possibly in the southwest. He added that the hospital also endorsed the drive for "smoke free" workplaces. He noted his affiliation with Hospice and the importance of not abandoning those who need care in the moments of their greatest need.

DR. FAIRBANKS advised that he has served as a member of the Committee formed in the City of Chandler to review and provide recommendations relative to a smoking policy in the City and thanked the Council for this appointment. He commented on the composition of the Committee and stated the opinion that all facets of the community are represented and have the ability to provide input regarding this important issue. He stated the opinion that every employee should be provided a safe, smoke-free environment in which to work, and added that he will be disappointed if this does not occur. He said that the City of Chandler has been a "role model City" and he believes that a strong ordinance that will serve as a model for the entire State will be adopted as a result of the Committee's efforts. He stated that people are looking for leadership and commended the City for providing this to their citizens.

MAYOR DUNN thanked DR. FAIRBANKS for his comments and for serving as a member of the Committee. He commented on the fact that the Committee has completed its deliberations and will be presenting recommendations and different options to the Council sometime in April.

5. Sue Feeder - Mirage Park Block Watch Concerns:

SUE FEEDER, 1351 North Pleasant, stated that she is a one-year resident of Mirage Park, a condominium community consisting of 104 units, mostly owner-occupied, located just west of

Alma School Road. She said that she has been asked to represent her community at this meeting because she is a victim of one of the very newest crimes taking place over the last year. She explained that two weeks ago her daughter-in-law and grand daughter were visiting her and within 15 minutes of parking her vehicle, someone replaced her daughter-in-law's rear tires/rims with cement blocks. Ms. Feeder noted that this crime took place directly in front of her unit and said that a number of other crimes have also taken place within her neighborhood in recent months. She stated that a few days after the car was vandalized, another neighbor's car was stolen and other residents have been the victims of repeated car as well as garage break-ins and thefts.

MS. FEEDER reported that a number of the incidents have taken place during daylight hours. She said that one of her neighbors has defined the area as "a neighborhood under siege," and noted that the neighborhood was responsible for the second highest number of Police incident calls in 2002. She reported that within the last two weeks the neighbors have formed a Block Watch group and said that with the help of Sergeant Mendoza, a block meeting was held this week, attended by 14 police officers who talked to the residents about their situation and changes that can be made to turn it around. She noted a number of positive steps that are being taken by the residents in an effort to combat crime. MS. FEEDER stated that her purpose in appearing this evening is to advise the Council that the residents do in fact feel like they are part of "a community under siege," and added they are starting to realize that a continuing partnership with members of the Chandler Police Department will ensure that the unwanted crooks will go elsewhere. She stressed the importance of continuing to fund much needed public safety positions and thanked the members of the Council for their time and their consideration. She added that she hopes one day the Council will come and visit the "not under siege community" of Mirage Park.

MAYOR DUNN thanked Ms. Feeder for her input and encouraged Police Department Staff to continue their efforts to work with Ms. Feeder and the residents in an effort to combat and eliminate criminal activity within their neighborhood. He asked that the Council be kept informed of the progress made in this area.

6. John Retzger - One Down and Two to Go:

MAYOR DUNN stated that discussions have taken place and it is his understanding that agreements have been reached as far as the process that would be followed during the discussion of this agenda item. The Mayor added that discussion has occurred relative to making "mutual apologies" and said that it is also his understanding that this meeting will constitute Mr. Retzger's final appearance at a City of Chandler Council meeting.

JOHN RETZGER, 2527 East Cathedral Rock Drive, Phoenix, addressed the Council relative to this agenda item. He stated that he has been appearing at Chandler Council meetings since last February when he believed that a "wrong was done to him." He reiterated comments and opinions he has presented at a number of previous meetings relative to his understanding of the facts surrounding his case and situation, charges against City Staff relative to their handling of his case, and recent City occurrences and issues. He stated that all he wanted was an apology and said that none was forthcoming.

MR. RETZGER said that frustration continued to grow and the situation culminated a few weeks ago when he attended a meeting and, in response to a comment he did not appreciate from the Mayor and the ensuing reaction of Police Department personnel present at the meeting, he made an improper and inappropriate gesture. He commented that the situation should not have

reached that point and said that if the Mayor is willing to apologize and someone speaking on behalf of the Police Department is willing to apologize, he will apologize as well so that the matter can be put behind them.

MAYOR DUNN said that he apologizes to Mr. Retzger if he was offended by the Mayor's comment. He said that it is his understanding that Mr. Retzger will now apologize to the citizens of Chandler for his behavior and requested that he do so at this time.

MR. RETZGER said that he apologizes to the citizens of Chandler if they found his gesture to be offensive. He added that he should not have acted in that manner but explained that it was done totally in reaction to comments and "heckling" that took place at the meeting.

UNSCHEDULED PUBLIC APPEARANCES:

There were no Unscheduled Public Appearances.

CONSENT:

MOVED BY COUNCILMEMBER BRUNO, seconded by VICE MAYOR HUGGINS, to approve the Consent Agenda as presented. MOTION CARRIED UNANIMOUSLY (7 to 0).

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Special Meeting of January 23, 2003, and the Chandler City Council Meeting of January 23, 2003.

2. EASEMENT/SRP: Electrical Facilities in Chuparosa Park Ordinance #3418

ADOPTED Ordinance No. 3418, granting a no cost underground power easement to Salt River Project for installation and maintenance of electrical facilities in the 28-acre Chuparosa Park located north of Dobson Road and west of Earl Boulevard, as recommended by Staff.

3. CODE AMENDMENT: Changes & Technical Corrections to the Tax Code Ordinance #3422

ADOPTED Ordinance No. 3422, providing for conforming changes and technical corrections to the Chandler Tax Code, as recommended by Staff.

4. USE AGREEMENT: Wireless Telecommunications/Verizon Wireless Ordinance #3427
Permit for Site at Fire Station No. 2

ADOPTED Ordinance No. 3427, approving a Wireless Telecommunications Use Agreement between Verizon Wireless and the City of Chandler, and granting an encroachment permit for a site at Fire Station No. 2, as recommended by Staff.

5. CODE AMENDMENT: Chapter 41: Establishing an Architectural Excellence Ord. #3428
Award Committee

ADOPTED Ordinance No. 3428, amending the City Code of Chandler by adding Chapter 41 relating to establishing an Architectural Excellence Award Committee, as recommended by Staff.

6. DEVELOPMENT PLAN/PRELIMINARY PLAT: Adobe Towers

CONTINUED to the March 27, 2003 City Council Meeting, DVR02-0036 and PPT02-0012 Adobe Towers, a request for rezoning from AG-1 to PAD for a single-family residential subdivision with Preliminary Development Plan approval for subdivision layout and housing product and Preliminary Plat Approval for the property located at 1250 West Ray Road. The Planning Commission voted to continue this request to their March 5th meeting for the purpose of conducting a Design Review meeting. Planning Commission and Staff recommended that this request be continued to the March 27th meeting.

7. DEVELOPMENT PLAN: GE Capital

CONTINUED to the March 27, 2003 City Council Meeting, DVR02-0039, GE Capital, a request for rezoning from AG-1 to PAD for a modular trailer storage service, sales and administrative facility, along with a Preliminary Development Plan for a 17-acre parcel located south of the SEC of Warner Road and Delaware Street. The Planning and Zoning Commission voted to continue this request to their March 5th meeting and, as a result, Staff recommended a continuance to the March 27, 2003 City Council meeting.

8. DEVELOPMENT PLAN: McQueen Village Square

CONTINUED to the March 13, 2003 City Council Meeting, DVR02-0035 McQueen Village Square, a request for rezoning from AG-1 to PAD for commercial C-2 uses only (Walgreen's store, retail shops, and a bank pad) with Preliminary Development Plan approval for an approximate 5-acre parcel located on the SWC of Ocotillo Road and McQueen Road. (Applicant: Ed Bull of Burch & Cracchiolo for Evergreen Devco, Inc.) This case was heard at the January 15, 2003 Planning and Zoning Commission meeting. The Planning Commission recommended that this item be forwarded to the Design Review Committee and this will be heard at their January 28, 2003 meeting. The Planning Commission recommended to continue this case to the February 19, 2003 Planning and Zoning Commission hearing and as a result, Staff recommended a continuance of this item to the March 13, 2003 City Council meeting.

9. GRANT: McNair Neighborhood - Wood to Block Fence Conversions

APPROVED, as recommended by Staff and the members of the Neighborhood Advisory Grant Review Committee and the members of the Neighborhood Advisory Committee, the McNair Neighborhood Group grant request in an amount up to \$5,000 for wood to block fence conversions for the residents located in the 1600-1700 block of West McNair Street. The residents participating will match the grant amount dollar-for-dollar. The McNair Neighborhood Group has met all of the requirements set forth in the City of Chandler's Office of Neighborhood Programs NMPG (Neighborhood Matching Grants Program) guidelines.

10. GRANT AGREEMENT: U.S. Dept. of Justice/Domestic Preparedness Equip. Program

APPROVED entering into a Grant Agreement with the U.S. Department of Justice Domestic Preparedness Equipment Program for the purchase of biohazard detection equipment, decontamination equipment, communication equipment, and self-contained breathing apparatus to be used for emergency preparedness in the amount of \$150,000. The Chandler Fire Department was involved in a Risk Assessment through the State of Arizona in August 2001. This assessment was to identify the preparedness of each city in the event of a Weapons of Mass Destruction Incident.

The State of Arizona was given a \$1.7 million dollar grant from the U.S. Department of Justice Domestic Preparedness Equipment Program Grant Fund in December of 2001. The Chandler Fire Department has attended several meetings with the State since that time to discuss how the grant funding would be dispersed. Additionally, several planning meetings have been held by Maricopa County Emergency Planners to discuss how to disperse the grant funds.

11. MEMORANDUM OF AGREEMENT: Emergency One: One Fire Apparatus

AWARDED Agreement FA3-4210-1983 for the purchase of one fire apparatus to Emergency One in the amount of \$324,483.46, as recommended by Staff. This unit is a replacement pumper for E283, which is assigned to Station #3 on Ellis Road. The current unit assigned to Station #3 is over 7 years old, has over 100,000 miles and needs to be replaced with a new unit. The unit that is being replaced will go into a reserve status.

12. SUBORDINATION OF DOWNPAYMENT ASSISTANCE LIEN: 642 W. Dublin Street

APPROVED the authorization to subordinate the Downpayment Assistance Lien on property located at 642 West Dublin Street, as recommended by Staff. The single family, owner-occupied home at this location was purchased with assistance from the City's Downpayment Assistance Program in August 2000. A lien was placed against the property by the City in the amount of \$5,650.00. This lien is in the form of a 10-year forgivable loan with the balance currently at \$4,576.00.

The owners are in the process of refinancing their first mortgage to take advantage of lower interest rates. The total amount of the new loan will be \$100,000.00 and there will be no cash out to the owner. In order to obtain the loan, a subordination of the City's lien is required by the lending institution. The property has been appraised at \$127,000.00. The City's lien is currently in second position and will remain in second position after the new loan. Both liens would be within 110% loan to value per program guidelines.

13. SUBORDINATION OF DOWNPAYMENT ASSISTANCE LIEN: 1377 West Linda Lane

APPROVED the authorization to subordinate the Downpayment Assistance Lien on property located at 1377 West Linda Lane, as recommended by Staff. The single family, owner-occupied property was purchased with assistance from the City's Downpayment Assistance Program in July 2001. A lien was placed against the property by the City in the amount of \$5,000.00 and this lien is in the form of a 10-year forgivable loan with the balance currently at \$4,000.00.

The owners are in the process of refinancing their first mortgage to take advantage of lower interest rates. The total amount of the new loan would be \$111,073.00 and there will be no cash out to the owner. In order to obtain the loan, a subordination of the City's lien is required by the lending institution. The property has been appraised at \$125,000.00. The City's lien is currently in second position and will remain in second position after the new loan. Both liens will be within 110% loan to value per program guidelines.

14. LICENSE AGREEMENT: CONOCOPHILLIPS/Groundwater Monitoring

AUTHORIZED entering into a License Agreement between CONOCOPHILLIPS and the City of Chandler for groundwater monitoring at 203 North Arizona Avenue. CONOCOPHILLIPS is the successor in interest to TOSCO, which has conducted groundwater monitoring in the vicinity of its

former gas station at 203 N. Arizona Avenue. This license agreement allows CONOCOPHILLIPS to utilize groundwater-monitoring wells previously installed by TOSCO on City property in order to measure the migration of groundwater contamination beyond the boundaries of the former TOSCO property.

Although CONOCOPHILLIPS is not the property owner, the company retained the responsibility for investigation and remediation of the underground storage tank leakage as operator of the facility. The City has executed license agreements with TOSCO and other predecessor companies for this purpose since September 13, 1996 and CONOCOPHILLIPS indicated its desire to continue this agreement in all material respects with the City of Chandler. This agreement has an increased scope over the previous agreement because the City of Chandler has recently purchased new property that contained existing monitoring wells constructed as part of this monitoring program. The new agreement will expire January 1, 2005.

15. ENGINEERING SERVICES CONTRACT AMEND. #2: Versar, Inc./Arrowhead Meadows Park Pool Expansion

AWARDED Contract Amendment #2 to Versar, Inc. for the Arrowhead Meadows Park Pool Expansion, Project No. PR0108-201, in an amount not to exceed \$14,000, as recommended by Staff. The Arrowhead Meadows Aquatic Facility was originally constructed in 1973. Minor improvements have been made to the facility over the years. Funds were approved in the 2000 bond referendum to expand and make improvements to this aquatic center. Versar, Inc. designed the facility expansion and Staff requested that the company's design contract be amended to work in conjunction with a Construction Manager at Risk contractor to aid in the re-design of a new play pool, which can be built within budget.

This contract requires the designers to work with a Construction Manager at Risk contractor who will provide pre-construction services, including additional value engineering constructability reviews and cost estimates during the design. A separate Council memo will be presented for consideration at a later date to award the construction contract after receipt of a guaranteed maximum price for the construction.

16. ENGINEERING DESIGN CONTRACT: Kirkham Michael Consulting Engineers/Design of the Chandler Boulevard Street Improvements

AWARDED an Engineering Design Contract to Kirkham Michael Consulting Engineers for design of the Chandler Boulevard Street Improvements from California Street to Colorado Street, including the Chandler Boulevard and Arizona Avenue Intersection (Project No. ST0301-201), in an amount not to exceed \$315,155.00, as recommended by Staff. These improvements consist of design and construction to widen Chandler Boulevard to six lanes between Colorado and California Streets. Design and construction will also include major arterial intersection improvements at the Chandler Boulevard and Arizona Avenue intersection. Included within the project will be a 15% alignment study from California Street to McQueen Road for consideration of future improvements to Chandler Boulevard.

17. ENGINEERING SERVICES CONTRACT: Entranco/Design of the Lone Butte Water Reclamation Facility Upgrades

AWARDED an Engineering Services Contract to Entranco for design of the Lone Butte Water Reclamation Facility Upgrades (Project No. WW0314-201) in an amount not to exceed \$57,935.00, as recommended by Staff. The City of Chandler currently operates the facility, which

is located on land owned by the Gila River Indian Community. Design and construction has been underway over the last year to replace and upgrade aging equipment and piping, and to install minor improvements for more efficient operation. The net phase of work includes replacement of the existing influent screen, which is over 20 years old, installation of a potable water line to the filters and chemical feed facilities for operation and maintenance and evaluation of existing piping from the facility to the irrigation storage pond to locate potential deterioration and leaks.

18. CONSTRUCTION CONTRACT: CS&W Contractors/McClintock Dr. Improvements

AWARDED a Construction Contract to CS&W Contractors for McClintock Drive Improvements, Miscellaneous Right-Turn Lanes & Bus Bay, and Ray/Desert Breeze and Ray/Lakeshore Traffic Signals, Project Nos. ST0154-401, ST0158-401 and ST0247-401, in an amount not to exceed \$1,386,343.68, as recommended by Staff. This construction contract incorporates three design projects, the first, McClintock Drive Improvements, is for the widening of McClintock Drive between Chandler Boulevard and the Santan Freeway to accommodate increased traffic from the Santan Freeway. The second, miscellaneous right turn lanes and bus bay, is for improvements at Chandler Boulevard and McClintock Drive, Ray Road and McClintock Drive and Ray Road and Rural Road that will reduce traffic congestion associated with the Santan Freeway. The third is a new traffic signal and median opening at Ray/Desert Breeze and Ray/Lakeshore, which will eliminate the U-turn conflicts at these locations and provide a median break access to the schools, Desert Breeze Park and the residential community to the south. Total construction time is 270 calendar days, with an estimated completion date of November 2003. Construction inspection will be performed by City CIP-CM inspection Staff.

19. ARCHITECTURAL SERVICES CONTRACT AMEND. #1: APMI Architecture/McQueen City Yard

AWARDED Amendment #1 for architectural administrative services during construction with APMI Architecture for McQueen City Yard, located on McQueen Road (Project No. ST0138-201) in an amount not to exceed \$159,236, as recommended by Staff. The City purchased a 30-acre parcel located at McQueen Road just north of Germann Road in 1991 to accommodate future growth needs. The Yard site currently has two (2) existing Municipal utilities buildings, located on the east end, adjacent to McQueen Road. The 30-acre site has been master planned to accommodate additional buildings for Public Works, Management Services and Municipal Utilities. Those facilities currently included in the City's CIP for design and construction are: 1) a new 10,000 square foot office and shop facility for traffic; 2) a new 22,000 square foot central warehouse; 3) a new 15,000 square foot fleet services facility; 4) a new 5,200 square foot water production maintenance building; and 5) a new 6,800 square foot Water/Wastewater administration building (Pod III).

The new buildings are needed to provide space, replace outdated facilities and to bring the City's facilities up to current regulatory standards. The design phase of the project is nearly complete and the contractor has offered a guaranteed maximum price for construction. Staff decided to use the Construction Manager at Risk delivery method to complete the design and construction. This requires a modification to the APMI contract for architectural administrative services during construction.

20. AGREEMENT: Community Services of Arizona/Chandler Community Action & Sr. Nutritional Programs

AWARDED a contract for the Community Action Program (CAP) and Senior Nutritional Programs to Community Services of Arizona (CSA) in an amount not to exceed \$42,201 for CAP and \$23,500 for the Senior Nutritional Program, as recommended by Staff. Community Services of Arizona has been operating Chandler's Community Action Program since 1981. During that time, CSA has been extremely successful in obtaining substantial third party funding to assist the operation of Chandler's CAP office. Funds have been used to provide significant financial assistance to Chandler's low and moderate-income population. CAP provides basic needs programs to Chandler's low-income citizens.

CSA has also been operating the Senior Nutritional Program since 1986. This program provides congregate and home delivered meals at a minimum suggested donation cost to eligible seniors. During Fiscal Year 2001-02, 15,582 congregate and 11,249 home delivered meals were provided to eligible seniors living in Chandler. Because of decreased funding from grants and other sources and an increased need for Chandler CAP services and the Senior Nutritional Program, CSA requested funding from the City to assist them in providing these services to eligible Chandler residents. A contract was negotiated stating that CSA will provide congregate meals, home delivered meals and Chandler CAP services for Fiscal Year 2002-03. In addition, CSA is to apply to the City of Chandler for CDBG funds as well as City of Chandler Social Service Funding through the United Way for future year applications.

21. PURCHASE: Motorola Irrigation Controllers/Ewing Irrigation

APPROVED the sole source purchase of Motorola Irrigation Controllers from Ewing Irrigation in the amount of \$75,405.95, as recommended by Staff. The Park Operation Division currently is using a Motorola Central Irrigation System to control a majority of the irrigation and lighting functions within City parks. The original system was installed in 1990. The control system has been effective in managing labor, water and electrical resources within these parks for the past 13 years. Technological advancements within the past several years have mandated the need to upgrade the existing controllers. There are currently 45 controllers in the park system and 33 of these have already been upgraded. The Parks Division has budgeted funds in FY 2002-03 to upgrade 12 additional controllers. Park Maintenance Staff will perform the installation of the upgraded controllers.

22. PURCHASE: Renewal of On-Line Reporting/Crime Analysis Tool (CADMine) from
Corona Solutions

APPROVED the sole source purchase to continue service of CADMine, an on-line reporting and crime analysis service, from Corona Solutions in the amount of \$44,850.30, as recommended by Staff. This service is specific to law enforcement and is available only through Corona Software. CADMine allows Police personnel to analyze the types of calls coming into the Chandler Police Department. It detects a pattern of crime occurring, and has been programmed to automatically notify designated Police employees of the pattern so that patrol officers can be alerted to emerging crime trends. These notifications may occur within hours of the criminal occurrence. This service harnesses the large amounts of data acquired through the Police Department's computer-aided-dispatch (CAD) system. This data can be used to conduct useful and timely analysis of officer activity as well as criminal activity throughout the City.

23. PURCHASE: Communications Equipment/Motorola, Inc.

APPROVED utilizing the State of Arizona Contract (#D000012-010) for the purchase of communications equipment from Motorola, Inc. in the amount of \$510,289.89, as recommended

by Staff. The Police Department is purchasing new radios, mobile data computers (MDC's) and other related equipment in order to replace old and obsolete equipment. This will also include radios, MDC's and related equipment for new Police employees. Use of the State Contract eliminates the cost of going out to bid, reduces the lead time in obtaining the products and results in a lower overall cost. The cost includes a one-year warranty and delivery will occur within 30 days.

24. LIQUOR USE PERMIT: Iron Grill Mongolian BBQ

Approved the Use Permit (UP03-0001 Iron Grill Mongolian BBQ), to sell liquor for on premise consumption only within a new restaurant (Series 12 Restaurant License) located at 4939 West Ray Road, Suites 1 & 2 (SEC of Ray and Rural Roads.) Applicant: Don Lee; Owner: Rural and Ray, LLC. The approximate 3,000 square foot restaurant is located within the Corona Del Sol Plaza and has an estimated seating capacity of 80 persons. The restaurant will not be utilizing the existing outdoor patio. The restaurant has been open for approximately five months and operates Sundays from 11 a.m. to 8:30 p.m. and Mondays through Saturdays from 11 a.m. to 9:00 p.m.

The Use Permit will be used in association with a Series 12 Liquor License which allows the sale of all liquor and requires a minimum of 40% of total sales to be in food and non-alcoholic beverages.

The request was noticed in accordance with the requirements of the Chandler Zoning Code and to date no telephone calls or letters from residents opposed to the Use Permit have been received. The Police Department has been informed of the application and responded with no issues or concerns. The Planning Commission and Staff, upon finding consistency with the General Plan, recommended approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 12 license only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved floor plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.
4. The patio shall not be used for dining or drinking.

25. LIQUOR LICENSE: Iron Grill Mongolian BBQ

APPROVED a City of Chandler Series 12 Restaurant License (#300000566) and that a recommendation for approval of State Liquor License No. 12075372 for Moon Ja Lee, Agent, Iron Grill Mongolian BBQ, at 4939 West Ray Road, Suite 1 and 2, be forwarded to the State Department of Liquor Licenses and Control. The Police Department reported no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. With a Series 12 License, the business may sell all liquors for on-premise consumption only, with a minimum of 40% of the gross receipts from the sale of food.

26. LIQUOR LICENSE: Chopstixx

CONTINUED to the February 27, 2003 City Council meeting, a request for a Series 12 Liquor License for Ronald Yee, agent, for Azia Concepts, LLC, dba Chopstixx, at 2510 West Chandler

Boulevard, Suite 1, as recommended by Staff. The continuance was requested to allow the applicant more time to complete the requirements for a new Use Permit.

27. SPECIAL EVENT LIQUOR LICENSE: Chandler Chamber of Commerce

APPROVED a City of Chandler Special Event Liquor License and that a recommendation for approval of a State Special Event Liquor License for the Chandler Chamber of Commerce be forwarded to the State Department of Liquor Licenses and Control. The Chamber has submitted an application for a Special Event Liquor License for a Chamber Mixer and Ostrich Festival Kick Off event to be held on Thursday, March 6, 2003, from 5:00 p.m. until 8:00 p.m. at Thorobred Chevrolet, 2121 North Arizona Avenue. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reported no objections to the issuance of the license and as the applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

28. SPECIAL EVENT LIQUOR LICENSE: Chandler Chamber of Commerce

APPROVED a City of Chandler Special Event Liquor License and that a recommendation for approval of a State Special Event Liquor License for the Chamber of Commerce be forwarded to the State Department of Liquor Licenses and Control. The Chamber submitted an application for a Special Event Liquor License for the Ostrich Festival to be held on Friday, March 7, 2003, from 3:00 p.m. until 12:00 a.m.; on Saturday, March 8, 2003, from 9:00 a.m. until 12:00 a.m.; and on Sunday, March 9, 2003 from 11:00 a.m. until 11:00 p.m. at Tumbleweed Park, 2250 South McQueen Road. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reported no objections to the issuance of the license and as the applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

29. SPECIAL EVENT LIQUOR LICENSE: Stable Influence Charity Programs

APPROVED a City of Chandler Special Event Liquor License and that a recommendation for approval of a State Special Event Liquor License for Stable Influence Charity Programs be forwarded to the State Department of Liquor Licenses and Control. The organization submitted an application for a Special Event Liquor License for a horse show and champagne brunch fundraiser on Saturday, March 1, 2003 from 11:00 a.m. until 5:00 p.m. and on Sunday, March 2, 2003 from 11:00 a.m. until 5:00 p.m. at 716 North McQueen Road. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reported no objections to the issuance of the license and as the applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

30. WINE FESTIVAL/WINE FAIR LICENSE: Kokopelli Winery

APPROVED a City of Chandler Series 16 Wine Festival/Wine Fair License and that a recommendation for approval of a State Wine Festival/Wine Fair License for Kokopelli Winery be forwarded to the State Department of Liquor Licenses and Control. Kokopelli Winery submitted an application for a fundraiser for the Chandler Cultural Foundation to be held at the Chandler Center for the Arts, 250 North Arizona Avenue, on Saturday, February 22, 2003 from 6:00 p.m. until 10:00 p.m. With a Wine Festival/Wine Fair License, the organization, within the confines of

the event during designated event periods, can serve wine samples and sell wine products in original containers for consumption off the festival premises. The Police Department reported no objections to the issuance of the license and the festival liquor license fees have been paid.

31. FINAL PLAT: Springfield Lakes Block 7

COUNCILMEMBER WALLACE said that she previously indicated that she might ask that this item be removed from the Consent Agenda, but she has spoken once again with the citizen who had raised concerns regarding potential noise impacts and the location of this development in proximity to the jet engine testing facility and instead would like Staff to provide information at this time regarding those issues.

MR. BALLARD said that the property is located west of Sun Groves and a number of residents in that area have expressed concerns relative to noise from the jet testing facility located south of the City limits on the Gila River Indian Community. He said that Staff has discussed this matter with representatives from Pulte Homes, the developer of this particular subdivision, and they assured Staff that they have been and will continue to disclose in their Real Estate Reports, the location of that jet engine testing facility.

COUNCILMEMBER WALLACE thanked Mr. Ballard and Staff for following up on this matter.

APPROVED the Final Plat (FPT02-0043 Springfield Lakes Block 7), a 28.1-acre parcel divided into 134 single-family lots located on the east side of Gilbert Road, one quarter mile north of Hunt Highway. (Applicant: Pulte Homes.) This plat is for another parcel in the Springfield Master Plan in South Chandler. The development is part of the 640-acre Master Plan that includes a golf course. The plat creates the lots, tracts and necessary easements and dedicates the required right-of-ways. Upon finding the request to be consistent with the General Plan and PAD zoning, Staff recommended approval.

32. FINAL PLAT: Lots 39-46 of Paseo Trail Parcel D

APPROVED the Final Plat (FPT03-0004 Lots 39-46 of Paseo Trail Parcel D), an 8-lot single-family home subdivision located east of the NEC of Queen Creek and Gilbert Roads. (Applicant: Lennar Community Development, Inc.) This plat is a re-subdivision of eight lots within the Paseo Trail Parcel D subdivision. The lots are being reduced very slightly in size to accommodate an underground irrigation pipe that was built in the wrong location. No substantive changes are being made to the lots other than the lot depth, which is reduced by approximately one foot. Upon finding the request to be consistent with the General Plan and PAD zoning, Staff recommended approval.

33. On the Action Agenda. (DVR02-0041, Ellis Gateway)

34. SETTLEMENT: *City of Chandler v. Chandler Kyrene, L.L.C. (#1) and City of Chandler v. Chandler Kyrene, L.L.C. (#2)*

APPROVED the settlement of *City of Chandler v. Chandler Kyrene, L.L.C. (#1) and City of Chandler v. Chandler Kyrene, L.L.C. (#2)* for the aggregate sum of \$93,828.00, plus statutory interest, as recommended by Staff. This settlement involves two condemnation actions having the same parties and affecting a 24 acre property that consists of four different tax parcels. This is a partial take needed for the Kyrene Road Improvement Project. The property is located west of Kyrene Road, south of Chandler Boulevard, north of the City's aquatic center. The amount

exceeds the City's appraisals, but is supported by the following: (a) the larger property is similar in size, shape, location and potential use to the Desert Oasis horse ranch property; (b) the appraisal provided by the horse ranch owner supports a higher unit value for the Chandler Kyrene property than does the City's appraisal; (c) this property owner has provided evidence of other offers for the property that supports a higher per unit value; and (d) staff has reviewed appraisals of comparable properties that support a higher value.

35. SETTLEMENT: *City of Chandler v. Delci*

APPROVED the settlement of *City of Chandler v. Delci* (Commercial Parcel) for the sum of \$140,000.00, plus statutory interest, as recommended by Staff. This settlement involves a condemnation action for commercial property at 64 E. Buffalo Street. The site was formerly occupied by Delci's babershop, a TV-VCR repair business and as the residence of one of the property owners. The City has completed paying related relocation benefits for the businesses and persons occupying the site. The amount exceeds the City's appraisal but is supported by the following: (a) comparable sales information provided by the property owners; (b) the amounts paid by the City for other properties in Site 7; (c) the expense of and likely outcome of a jury trial; and (d) to a limited extent, rental values in the downtown area.

36. SETTLEMENT: *City of Chandler v. Desert Oasis Ranch, Inc.*

APPROVED the settlement *City of Chandler v. Desert Oasis Ranch, Inc.*, for the sum of \$79,300.00 plus statutory interest, as recommended by Staff. This settlement involves a condemnation action for the Kyrene Road Improvement Project. The land is located west of Kyrene, south of Chandler Boulevard and is currently used as a horse ranch. The amount exceeds the City's appraisal but is supported by the following: (a) the property owner's appraisal indicates a value higher than the settlement amount; (b) staff has reviewed evidence of written offers and appraisals of comparable properties supporting a higher value.

37. SETTLEMENT: *City of Chandler v. Deplazes*

APPROVED the settlement *City of Chandler v. Deplazes*, for the sum of \$34,493.00, plus statutory interest, as recommended by Staff. This settlement involves a condemnation action for the Kyrene Road Improvement Project. The property is located west of Kyrene, south of Chandler Boulevard and is currently undeveloped agricultural land. The amount exceeds the City's appraisal but is supported by the following: (a) the property is similar in size, shape, location and potential use to the Desert Oasis horse ranch property; (b) the appraisal provided by the horse ranch owner supports a higher unit value for the Deplazes' property than does the City's appraisal; and (c) staff has reviewed evidence of written offers and appraisals of comparable properties that support a value higher than the City's appraisal.

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY VICE MAYOR HUGGINS, to approve the Consent Agenda as present. MOTION CARRIED UNANIMOUSLY (7 TO 0).

ACTION:

33. DEVELOPMENT PLAN: Ellis Gateway

Ordinance #3429

Planner JODIE NOVAK addressed the Council relative to this agenda item (DVR02-0041 Ellis Gateway) and said that the project is located on the SEC of Ellis Street and Germann Road. She noted that the site was approved for PAD zoning in April of 2001 for both an apartment complex

and an office/employment component on the southern end of the site. She added that approval was based on a two-year construction time frame, which expires in April 2003. Ms. Novak explained that the applicant has filed an application on behalf of the land owners of this property requesting that the time for construction be extended for an additional three (3) years. She noted that the existing zoning condition requires that the City take action to either extend the conditional schedule for development for three years, remove the timing condition and determine compliance with the original two-year schedule for development or cause the property to revert to the former AG-1 (agricultural) zoning classification if it is determined that the development has not commenced construction within the original two-year timing condition.

MS. NOVAK clarified that the nature of the time extension is to focus on whether or not to grant an additional three years for construction. She added that changes or modifications to the approved area plan, land use, preliminary development plan or the addition of zoning conditions would require action in the form of a separate application. She stated that the 40-acre site was originally planned for multi-family and when the PAD zoning was approved in April of 2001, there was an amendment to the conceptual area plan for the area that approved the office/employment component on the southern portion of the site. The office component was incorporated as a land-use buffer between the Motorola property and the multi-family was used as a transitional use to future single-family development at that time. She advised that City Staff, including members of the Parks Department, the Traffic Transportation Division and the Planning Department, as well as the applicant in this case, have met with and responded to many residents within the area. Staff has received correspondence both in support as well as in opposition to the time extension. Many of the residents' concerns focus primarily on the multi-family development in their area, traffic congestion and circulation, and access to this property's site. Residents in the area have also questioned the existing Section 7 Area Plan that is related to Ellis Gateway. She noted that an area plan is intended to establish a set of goals and objectives in areas of the City to plan items such as land use arrangements, circulation and traffic patterns, open space, schools, parks, etc. on a conceptual level. Implementation of these elements is considered at the time zoning comes forward through the public hearing process and when zoning is adopted on individual parcels with that area plan.

MS. NOVAK stated that the Section 7 Area Plan is a concept area plan. The design of Ellis Street, which has been an ongoing concern of many of the residents, was considered at a time when a greater number of multi-family units were proposed in the area plan. However, based on the zoning of Motorola's property, the advent of the City's park along Dobson Road, design changes to Dobson Road, and decreased multi-family designation within the area plan, the City chose not to implement Ellis Street as zoning was adopted in the area plan. She added that the decision was also based on the fact that the arterial streets have the ability to handle the land use capacity that already exists within this plan.

MS. NOVAK reported that the Planning Commission and Staff recommend approval of the three-year timing extension for this PAD zoning on Ellis Gateway and said that they believe that the proposed development represents a good land use for the area and still maintains consistency with the area plan that has been adopted.

In response to a request from COUNCILMEMBER BRUNO, Ms. Novak stated that parcel is 40-acres in size and therefore would be able to accommodate various land uses. She added that from a planning standpoint, the General Plan provides guidance as to determining the appropriateness of certain uses within the community. In addition to the multi-family/office uses that have already been planned for the site, the property could be multi-family on the entire 40-acres, which is what was originally called for in the area plan. The City Council could also

consider other land uses that may be appropriate for that area next to single-family and/or industrial uses, such as commercial-type uses, industrial and/or corporate type uses, single-family, etc.

MS. NOVAK confirmed for the Mayor that the members of the Planning Commission and Staff believe that the current multi-family is consistent with the General Plan that has been adopted by the Council. She added that when this property went through the zoning process two years ago and when Motorola came forward back in the early 1980's, the discussion of the area plan and land use came forward. She stated that they considered this property and added that from a planning standpoint Staff does not encourage industrial uses next to single-family residential development.

MAYOR DUNN said that his understanding is that this case deals with an extension of the original time limitation of two years and the applicant is now requesting three years. He noted that other than considering an extension of the construction time period, the Council is not in the position of modifying this plan to add or change conditions. MS. NOVAK confirmed the Mayor's comments and said the only issue before them this evening has to do with the requested timing extension. She noted that the Council's decision-making process relative to the extension could be based upon thoughts that the land use may not be appropriate or that issues with the site plan exist, but said that directly addressing the land use or making changes to that site cannot be considered at this time.

MAYOR DUNN advised that he watched the Planning and Zoning hearing on this case and a lot of discussion took place regarding an old plan that showed Ellis Street that connected to Dobson Road. He asked Staff to clarify their position regarding this issue as well. MS. NOVAK said that Ellis Street was a concept idea at the time the area plan was generated. She added that considerably more multi-family uses were included within that area plan at that time. The property within the area plan is bounded by two arterial streets and a collector was associated with the intent that a significant amount of multi-family or higher-density residential would occur in that area. Ms. Novak further explained that when the park was planned for that property and Dobson Road was shifted and reoriented more to the west, and as Motorola came in with their zoning, the City had acted on certain zoning cases and the collector street was not implemented based on the uses at that time. Ellis Street as originally planned, from the City's standpoint, is not needed or appropriate based on the current land uses and the development pattern in that area plan.

ED BULL, 702 East Osborn, Phoenix, speaking on behalf of the applicant MARK-TAYLOR, INC. addressed the members of the Council relative to this agenda item and referred to diagrams and photographs displayed in the Council Chambers relative to the proposed project and area. He thanked the members of the Planning and Zoning Commission and Staff for their recommendation of approval of the time extension and requested that the Council concur with those recommendations. He emphasized that the issue before the Council is limited to a request for a time extension from an award winning, multi-family builder and long time landowner who, because of extraordinary circumstances beyond his control, has requested the first extension of a high-quality, mixed-used PAD and PDP that were unanimously approved less than two years ago by the City Council, the members of the Planning and Zoning Commission and City Staff.

MR. BULL commented on Mark-Taylor's excellent reputation and significant achievements in the building industry, the fact that the applicant is also a long-time land owner, the extraordinary circumstances that surround the request for an extension (including economic impacts of the 911 tragedy), the fact that this application represents the first request for an extension, the fact that

plans have not yet been submitted and the applicant does not feel that time is appropriate to pull a building permit, the fact that Motorola in the past has made it extremely clear that the company would vehemently oppose any attempt to develop residential properties along its northern property line, significant cooperative efforts on the part of the applicant that have occurred to date, and the fact that the eight developments construction by Mark-Taylor in the City of Chandler represent a \$180 million construction investment. Mr. Bull reiterated his request that the Council concur with the recommendations of the Planning and Zoning Commission and Staff and approve the requested extension.

GARY KELLER, 2481 West Thompson Way, spoke in support of City Staff's professionalism and cooperation and concurred with previous comments relative to the changing demographics that have occurred within the City. He referred to overheads displayed in the Council Chambers and said that a large number of citizens have purchased homes and moved into the community representing an investment of over several billion dollars. He added that because of the unique nature of the economy, a significant amount of apartments are available for rent at this time and said that until a huge upturn in employment occurs, a need for additional apartments will not exist. He commented that the large concentration of apartments, many of them vacant, represent a major concern among many of the homeowners in the City, particularly from an aesthetic and property value point of view. He added that another concern has to do with safe access to the park based on the current street configuration. He thanked the Council for the opportunity to address them.

DWIGHT THAYER, 1812 South Brentwood Place, said that it is the consensus of many homeowners in the area that significant flaws exist in the proposal as it currently exists and stated the opinion that the project should be sent back to the Design Review Board for review, consideration and changes. He requested that the Council either vote to deny the requested extension or postpone action on this case until April pending additional discussion relative to access to the park and extending Ellis Road.

In response to a question from COUNCILMEMBER WALLACE, Mr. Thayer stated that the neighbors support construction of the road as called for in the original plan and are opposed to the development of any additional apartments.

COUNCILMEMBER WALLACE clarified that the issue before the Council this evening relates strictly to the applicant's request for a time extension in which to complete construction. She asked Staff for input relative to the request for postponement.

MS. NOVAK indicated Staff's willingness to have further discussions with residents in the area relative to their concerns but noted that the nature of the application itself will not change between now and April when the timing for construction actually expires.

In response to a request from COUNCILMEMBER WESTBROOKS, Ms. Novak advised that City Staff, the applicant, the developer and the residents can get together to discuss their concerns but added that given the nature of that, State Statutes require cities, by zoning condition, to take action to either continue the zoning or to revert it and no opportunity exists in which to consider issues such as the development of a road or the redesign of an entrance. She emphasized that items such as those cannot be addressed and the only item that can be focused on at this time is whether to approve the applicant's request for additional time in which to develop the project. She said that could only take place if the Council reverted the zoning and separate applications were filed to address those issues as additional zoning cases. She further clarified that if the Council was inclined to have Staff and the developer continue working with the neighbors to

address their concerns regarding the development or land uses, the case would have to revert back to AG-1 (agricultural) and the land owners would then have to file a new application on a new zoning case to be brought before the Planning and Zoning Commission and City Council.

MAYOR DUNN added that the Council would have to deny the requested extension and noted that the multi-family zoning designation would remain in place. He said that another application would then have to be filed dealing with the zoning issues. He commented on the fact that Ellis Street exists right now and is located behind the Charles Schwaab building. He noted that some of the residents would like Ellis Street to extend all the way from Germann over to Dobson and asked whether this option is in fact a possibility.

MS. NOVAK referred to an area plan map (prepared in the 1980's) displayed in the Council Chambers and noted that practically the entire area was originally going to be multi-family. She concurred that Ellis Street currently runs north and south of Germann Road and dead ends at the north property line of Motorola's property. She said that it is the intent of Motorola's site plan that was approved in the 1980's that they would eventually, with future expansion, have a direct connection to go northbound on Ellis to Germann Road. She explained that Ellis Road, in this plan, was a concept and was designed to accommodate a much larger area of multi-family development. Ms. Novak commented on the fact that the park has now been developed and added that having Ellis Street run southward from Germann and eastward towards Dobson was a concept considered to accommodate the large concentration of multi-family development. She added that in the 1980's, when Motorola's zoning was granted, the road was not implemented as part of that plan. Motorola would have been required to dedicate right-of-way for a future collector road. She said that as far as planning for the park, her understanding is that they had not dedicated and did not intend to have any collector roadway either on the northern portion of their property.

MS. NOVAK stated that when Ellis Gateway came before the Council two years ago, it was not implemented either (right of way on the southern portion of Ellis Gateway's property for a collector street) and said that over time there has been consideration that given the changes with Dobson Road's alignment, the park, Motorola's approval, the planning for the City park and Ellis Gateway, that there would not be a need for this road in that area. She added that Dobson Road, Germann Road and Ellis Street will eventually be expanded with improvements within the next three to four years and, in addition, the Santan Freeway will be constructed to Arizona Avenue by 2004. She advised that Staff believes, in working with the Traffic Division, that a lot of the traffic that is currently of concern to the residents in the area, will be greatly alleviated when the development of those roadways occur.

MS. NOVAK also said that although nothing is impossible, Motorola has stressed the fact that the company has no interest in dedicating any land or giving up any land on their northern portion for this road. She added that the company has indicated this would be a major concern from a security standpoint since they do not wish to have additional pedestrian or vehicular traffic around their property. She noted that the planning stages for the park itself did not include any right-of-way and said she is not sure whether it would be possible to take additional land from there but Park Staff could probably address this issue.

COUNCILMEMBER ANDERSON commented on the fact that what they are dealing with is multi-family homes and in order for the changes to occur, the Council would have to in fact deny the applicant's request for an extension, and noted that the zoning would not automatically revert back to AG-1 (agricultural). He added that it would take a Council vote and if a formal objection is filed by the applicant in this case, it would then take the shape of a legal protest and require six of

the Councilmembers to vote for reversion back to AG-1. MS. NOVAK agreed with Councilmember Anderson's comments and said that another area to consider is the area plan that designates this property for multi-family and office/employment and added that to consider changing the area plan would constitute a whole separate process.

MAYOR DUNN again thanked Staff for their input and noted that the plan showing Ellis Street going all the way from Germann to Dobson Road is a very old plan and circumstances that existed then are no longer in place. In addition, Dobson Road has been realigned and Motorola has located to the area and has future expansion possibilities to the east.

COUNCILMEMBER WALLACE commented on the confusion that appears to exist regarding this agenda item and the language contained in the item and asked Ms. Novak to clarify some of the points.

MS. NOVAK explained that the item has to do with a legal process as far as State Statutes and existing legislation dealing with the manner in which the process must take place. She noted that the action this evening represents more of an administrative action, a decision and vote on whether to support or not support a request for an extended amount of time. She said that if Council were to decide not to support extending the zoning for an additional three years, then in essence the zoning of PAD for multi-family office stays on the property until such time that a second zoning case is filed, representing more of a legislative action, in which the Planning Commission and City Council would review reverting the PAD back to agricultural through an ordinance. She added that at that time, if it was granted by Council to revert to agricultural, then the landowners and the applicant can come back to the City at a certain point in time to reconsider filing and rezoning the land once again. She noted, however, that the area plan would remain in place unless there was some consideration on the part of all of the owners in the area plan to consider coming back to the City to address changes.

MIKE GAMMON, 1493 West Thompson Way, stated the opinion that the applicant's claim relative to the occurrence of extraordinary circumstances should be focused on. He commented on the fact that in September 2002, a study was conducted that indicated that the number of apartment units in this area is excessive. He noted current vacancy levels and said that although he agrees that the applicant has a great reputation and produces extremely high-quality work, the timing is not appropriate for additional multi-family development.

In response to a question from the Mayor, MR. GAMMON stated that he would prefer that a lower density project be approved or that the current project be delayed until timing is more appropriate. He added the opinion that the two year old plan has not been adjusted to reflect current market trends and economic developments and said that a delay or a revision is in order.

In response to a question from COUNCILMEMBER ANDERSON, Mr. Bull stated that the applicant is requesting an extension so that the project can continue when it is determined that the timing is appropriate. He agreed that now is not the right time to begin development and added that when it has been determined that the timing is right, the project is an excellent one for this location. He agreed with comments that have been made relative to interest rates and employment issues and said that a predominant factor that has been considered by the applicant is the mortgage rates at 6% or less that are currently available for the purchase of homes and discussed the importance delaying until the economy is more conducive to the type of project they are going to build.

DAN KENNEDY, 1991 South Tamarisk Drive, said that he has contacted the Mayor and members of the Council and requested that stipulations relative to extensions be placed on this case. He stated that it was his understanding that if the project was not built within the original two-year timeframe, the zoning would revert back and asked for a clarification on the issue. MAYOR DUNN said that he will ask the City Attorney to address this matter.

MR. KENNEDY commented that he is not here to prevent development and said that when he built his home in the area, he looked at the area plan and the roadways, and this was a consideration in purchasing his home. He questioned what will happen to Germann Road if the requested extension is not granted. He commented on the fact that on the northern portion, fees have already been paid by developers and asked if the plan is delayed two or three years, will Germann remain the way it currently is, two lanes, as the traffic volumes continue to increase. He thanked the members of the Council for their hard work and dedication.

Public Works Director BRYAN PATTERSON provided a brief status report relative to Germann Road improvements and said that Staff expects that Americredit will improve the northern portion of Germann just east of Price Road. He said that the project has already been designed and should be built within the next few months. He noted that Staff is working on the draft Capital Improvement Program for the next five years and stated that a proposal to complete Germann Road all the way from Price Road to Alma School Road will be presented to the Council in the future. He also discussed the Santan Freeway, which will be completed all the way to Arizona Avenue by the end of 2004, and said he believes that the freeway will be completed all the way to the north by the time the apartments are in place. He added that the freeway will result in a drastic improvement in east/west traffic through Chandler.

In response to a request from the Mayor, City Attorney DENNIS O'NEILL explained that the issue currently before the Council is an item to extend the current zoning on the property. He said that if the Council votes to deny the extension, the property does not automatically revert to agriculture. He noted that until four or five years ago this used to be the case but the State changed the Statute at that time. Mr. O'Neill advised that in accordance with current laws, if the Council does not approve the extension, legislative action, in the form of another ordinance, will have to be brought forward to revert the zoning back to agricultural. He said that once the property reverts back to the agricultural zoning, if anyone wanted to develop parcel under another use, they would have to come before the Council for rezoning on the parcel.

ROBERT THORSEN, 1970 South Margate Street, said that he received an e-mail letter from another homeowner who could not be present at the meeting and asked for permission to read the note into the record of the meeting. The Mayor allowed Mr. Thorsen to do so. The e-mail message, from Harry and Trish Sherwood, also homeowners in the Brittany Heights subdivision, spoke in favor of the project and the current request for an extension. MR. THORSEN concurred with the comments contained in the Sherwood's communication and said that he too supports the proposal and the requested three-year extension.

TIM RONAN, 2161 West Thompson Place, expressed the opinion that an emergency does not exist and denial of the applicant's request would provide an opportunity to revisit certain issues given changes in the area and the greater number of single-family homes being developed. He said he would also like to have more time to examine a "cut through" street to alleviate traffic and provide safe access.

JOANN THORSEN, 1970 South Margate, requested that she be allowed into read in the record a letter from another resident in the area, Steve Henderson, also a resident of the Brittany Heights

subdivision, who had to leave the meeting before presenting his remarks. The Mayor allowed Ms. Thorsen to do so. Mr. Henderson's letter commented on the open fields that exist around the area now and said that although he and his family would love the area to remain unchanged, he realizes that this is not realistic. He stated that the best solution would be to have a project that adds to the area and added that he would much prefer multi-family use over retail-commercial uses. He advised that he has reviewed the plans and believes that the development will be an attractive one. He also complimented representatives of Mark-Taylor who have demonstrated honesty and professionalism. He informed the Council that he supports the applicant's request for an extension and thanked them for their time.

TIMOTHY CASEY, 1473 West Thompson Way, President of The Vineyards Homeowners' Association, stated the opinion that the events of today that have to do with national security and the "orange alert" underscore the residents' concern that adequate disaster planning has not been done for this or any other apartment complex. He commented on the fact that times are different since September 11th and important issues such as disaster planning for high-density projects such as this must be considered. He added that one of the few ways to get out of Chandler right now is on I-10 and the best route for residents who live in that area to access I-10 is along Germann Road. He noted the proposed project will significantly increase traffic along that roadway and urged the Council to deny their request until such time adequate planning, including the preparation of a revised area plan, can take place.

DAN HUMPHREY, 2345 West Weatherby Way, a resident and President of the Brittany Heights subdivision, speaking on his own, urged the Council to deny the applicant's request for an extension. He stated the opinion that a majority of the residents in the area are opposed to the project and discussed anticipated negative impacts on the area such as increased traffic, safety issues and decreasing property values. He recommended that the Council go back and revisit the plan that was approved two years ago and stated the opinion that the project is not appropriate for the area. He added that the extension of Ellis Road is appropriate and should be considered and approved and said that it would be a mistake to place a main entrance for an apartment complex on Germann when Ellis Road could be used instead.

NIELS JAKES, 2160 West Thompson, in Germann Country Estates, stated that he relocated from Ahwatukee to Chandler because of the over-development and traffic congestion that took place in that area. He expressed concerns relative to decreasing property values that will occur as a result of the proposed project and urged the members of the Council to deny the request for the extension and address the concerns of the residents who live in that area.

In response to a question from COUNCILMEMBER WESTBROOKS, Mr. Humphrey stated that he would prefer to see additional single-family housing developed in that area rather than multi-family. He added the opinion that an opportunity is being presented to address a number of concerns raised by the residents in the area and urged the Council to take advantage of this opportunity and deny the request for the extension at this time. He said that it is also possible that Mark-Taylor may never build at that location if the downturn in the economy continues and added that if the applicant sells the property, the City may have worse issues to address in the future.

MAYOR DUNN thanked all of the speakers for their interest in this issue and their input.

In response to a question from the Mayor, MS. NOVAK discussed the fact that a neighborhood meeting was conducted early in the process once the zoning application had been filed. She added that the applicant and the developer personally and individually visited homes in the area

and spoke with the residents regarding their plans. She noted that consistent correspondence with residents in the area containing detailed information regarding roadway improvements and other issues that will take place in conjunction with development also occurred.

MR. BULL commented on the fact that the site currently has sheep grazing on it and is a farm field, but noted that it is located adjacent to the Price Road employment corridor, the City's most intensely developing employment corridor, and is just down the road from the new mall and in close proximity to the intersection of two major freeways. He added that the site is also adjacent to one of the City's long standing, highly respected manufacturing companies, adjacent to Motorola, and a variety of other employment-type uses to the west.

MR. BULL pointed out that the site has been carefully designed to carry out transitional types of activities that are significantly important to Motorola, Staff, and others closely involved in the process over a number of years. He also commented on the fact that the multi-family component contained in this proposal (approximately 15.3 units per acre) is not over dense and, in fact, is relatively low by every city's standard for multi-family density, including the City of Chandler. He also briefly discussed the use and future improvement of Germann Road and reminded everyone that Germann Road is an arterial and its purpose is to move significant amounts of traffic. He added that Germann Road will be improved, Dobson Road will be improved, and the Santan Freeway will come through in the near future. He said that they are all tremendous "relievers" as far as the amount of traffic that will be on Germann Road in the future. He emphasized that they should be putting traffic on Germann Road and said that is how the plan was designed and added that emergency access and exiting movements to the collector road, Ellis, have also been taken into consideration and planned for. He expressed the opinion that the further extension of Ellis is not only unnecessary, it is also not achievable.

MR. BULL also referred to a number of letters in opposition that the Council received and stated the opinion that it is important to keep in mind that almost two-thirds of those letters came from residents who live east of Dobson Road, while a little over one-third came from people who live west of Dobson. He reported that in comparison, door-to-door efforts took place to gather signatures in support of the request and 37 homeowners signed in support (residents from Brittany Heights and Germann Country Estates, the two neighborhoods located immediately north of the project). He noted that they did not go door-to-door in the area east of Dobson Road or further north in Brittany Heights and Germann Country Estates but said that those areas were invited to attend the neighborhood meeting.

MR. BULL also referred to a letter that was received from Motorola supporting the request for the extension and vehemently opposing the suggestion that Ellis be extended to Dobson Road. He noted that Pinnacle Manufacturing and Americredit have verbally renewed their support for the project and indicated strong support for approval of the requested extension. He reiterated that the members of the Planning and Zoning Commission and City Staff have also recommended approval and urged the Council to uphold their recommendations and approve the applicant's request for a three-year extension.

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY COUNCILMEMBER ANDERSON, to INTRODUCE AND TENTATIVELY APPROVE Ordinance No. 3429 (DVR02-0041, Ellis Gateway) approving a three year time extension, subject to the conditions recommended by Planning Commission and Staff.

COUNCILMEMBER WALLACE stated that as she listened tonight to the citizens' concerns regarding traffic, she understands that Germann Road is an arterial roadway and she finds

herself reflecting back to two years ago when the decision was made not to put a full diamond interchange at Dobson and the Santan. She said that she regrets that decision, which was a 6-1 vote, and believes that a huge mistake was made at that time.

MOTION CARRIED UNANIMOUSLY (7 TO 0).

MAYOR DUNN thanked the members of the Council for their input and consideration.

38. DEVELOP./DISPOSITION AGREEMENT/AMEND. #1: Benton-Robb Develop. Assoc., L.L.P. (Mixed Use Development/Downtown Chandler) Reso. #3612

COUNCILMEMBER WALLACE noted that the "Chandler Today" event, organized by the Chamber of Commerce, took place today. She commended GARRETT NEWLAND and MAYOR DUNN on the excellent presentations they made and said that everyone should be proud of what took place.

MAYOR DUNN agreed with Councilmember Wallace's comments and noted GPEC's (Greater Phoenix Economic Council's) presentation was excellent and focused on the changing role that organization plays in the East Valley in terms of attracting and sustaining economic growth. He recommended that GPEC be asked to do their presentation again for the benefit of the entire Council.

MR. NEWLAND thanked Councilmember Wallace and Mayor Dunn for their comments and said he will contact GPEC relative to putting on their presentation for the entire Council.

MR. NEWLAND stated that the item currently before the Council represents a significant but very exciting change to the Site 7 project. He noted that the original concept called for 200 apartment units, a few townhomes, and commercial office development along Arizona Avenue. He referred to overheads displayed in the Council Chambers and noted that the new concept involves the construction of a single-family attached product in a town home concept. He outlined the location of the project and noted that the proposal also calls for a series of "row houses" in succession around the site with a number of amenities that include a pool and clubhouse in the center. He explained that the proposed first amendment to the Development and Disposition Agreement clarifies the change in use, specifies a new schedule of performance for the project, and sets out impact fee credits available for the site. He commented on the fact that Staff recommends approval of this change and added that if the Council concurs, Staff will work aggressively with the builder to ensure that the units are built as quickly as possible. He added that Staff anticipates that the project will be of significant benefit to existing businesses in the area as well as others in the downtown area as redevelopment efforts continue.

MAYOR DUNN concurred with Mr. Newland's comments and stated the opinion that the concept of having "owner occupied" units, even though they are lesser in number than what was previously proposed, is exciting and brings a refreshing perspective to the entire area. He added that residents who want to invest in the downtown area, and who choose to live downtown on an ongoing basis, will find the concept to be both upscale and exciting. He indicated a preference for the term "brownstone" in defining the units and said he would not be opposed to using such descriptive term.

JOHN BENTON, 244 East 15th Street Tempe, representing Benton-Robb, the applicant in this case, said that he is very excited to be at the meeting tonight with Gary Todd of Todd & Associates. He thanked the Mayor, Council and City Staff for their tremendous support and

cooperation and noted the significant challenges that had to be overcome in order to bring them to this point. He commented on challenges associated with redevelopment efforts and stated that town center development and redevelopment is an important issue in the community and must be endorsed and promulgated by the policy makers. He discussed a recent conversation he had with Senator Harry Mitchell, the former Mayor of Tempe, and said that he told him that recent redevelopment efforts in Chandler remind him of Tempe's activities in the late 1970's to mid 1980's when a cohesive commitment to redevelopment existed within that community.

MR. BENTON indicated his intention to discuss the current project in terms of maintaining the commitment to mixed use of commercial and residential. He concurred with the Mayor's comments relative to using the descriptive term "brownstone" when talking about the units and said that he would not be adverse to using that term in the marketing information that is distributed on the project. He added the opinion that the "for sale" units in downtown Chandler will be a great asset to the community and noted that "for sale" housing will go on the tax rolls immediately and will have a very positive impact on assessed valuations while demographically not adding a significant number of school-age children to the school rolls (based on the demographics of the people expected to live in these units).

MR. BENTON indicated his intention to move ahead quickly on the project and said that they will be submitting the preliminary PAD and hopefully a final PAD simultaneously on the first phase of development. He added that they are working with the City's Planning and Redevelopment Staff on the mixed-use components of the project and said that they anticipate being under construction this year with first move-ins in the very near future. Mr. Benton stated the opinion that the community amenity of downtown Chandler is stronger today than at any time in the past, and will be a great incentive for people to live, work and recreate in downtown Chandler.

MR. TODD highlighted a brief presentation that provided an overview of the project and its various components. He reviewed the site plan, talked about the elevations and expanded upon the process that was followed in arriving at the current design.

Discussion ensued relative to trellised elements contained in the project, the two-story office component along Arizona Avenue, surface parking behind the portion of the retail office initial development, plans to provide future structured parking as the entire area is built out, the residential portion of the project, referred to as "brownstones," the importance of maintaining historical "circulation paths" throughout the project, the use of traffic calming devices, the development of two-car garages for the units, curbside parking, clusters of units with openings for pedestrian "in and out" traffic, the importance of integrating the project into the design of the entire downtown area, the development of a "park setting" open space, the elevation concept, the fact that end units will contain more space and balconies, the unique character of the project, varied rooftops, and the fact that the project is pedestrian oriented in nature.

In response to a question from COUNCILMEMBER WESTBROOKS, Mr. Benton advised that the project will have a phased approach with residential development occurring first.

COUNCILMEMBER WALLACE asked what the cost of the various units would be. MR. BENTON noted that the prices will begin in the mid \$100,000 range and go up to the \$200,000+ range. He added that square footage would range from 1100 to 1800 square feet.

COUNCILMEMBER WALLACE commented on the fact that the project represents a true partnership between the developer and the City and said that she appreciates the patience and professionalism that has been displayed.

In response to a question from COUNCILMEMBER ANDERSON, Mr. Benton listed a number of problems that were identified in the original plan. He noted that the original proposal contained both residential and commercial development and added that the residential portion was "rental" rather than "owner occupied" and spoke in strong support of the benefits to be realized as a result of "owner occupied" units.

COUNCILMEMBER ANDERSON stated that he voted in opposition to the original plan but supports the amended version and is extremely pleased with the residential component now included in the proposal.

COUNCILMEMBER BRUNO noted that comments in support of the project have been received from a number of citizens and organizations.

COUNCILMEMBER WESTBROOKS requested a brief update on the commercial portion of the project. MR. BENTON responded that efforts have been focused on the first phase of the project, the residential component, simply because of some ongoing issues relative to parcel acquisition for the commercial portion. He noted that they did decide to work as diligently as possible to begin the residential phase since no property acquisition issues existed regarding that component. He indicated their intention to reconvene as soon as possible once the preliminary PAD has been put together and addressed collectively with the Staff. He added that time will be spent with the property owners in the second phase of the development. He stated that they will be back to the Council with more specific plans regarding the commercial component as quickly as possible.

MR. BENTON emphasized that the most important consideration regarding the commercial phase is that they are flexible, looking at various alternatives, and interested in talking to all interested parties.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER CACCAMO, that Resolution No. 3612 be adopted, authorizing the first amendment to the Development and Disposition Agreement with Benton-Robb Development Associates, L.L.P., mixed-use development in downtown Chandler, as recommended by Staff.

MAYOR DUNN thanked Mr. Benton and Mr. Robb for their presentation. He requested that Staff make a presentation on this proposal to the Downtown Chandler Community Partnership (DCCP) and said that the organization's support would be extremely important and valuable. He also asked that Staff prioritize this matter and provide assistance throughout the process.

MOTION CARRIED UNANIMOUSLY (7 TO 0).

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN stated that in view of the recent terror threats, he wanted to assure the citizens of Chandler that security is under control in the "homeland security" area and the City is undertaking many measures in order to be prepared to protect its citizens. He said that all threats are being taken very seriously and additional security at all of the City's water facilities are in place. He added that additional training is also being provided to Public Safety personnel, a community

emergency response team is in place, and additional emergency preparedness information has been placed on the City's web site. He urged the citizens to call the Emergency Hotline telephone number, 782-2990, to report any suspicious or frightening occurrences.

The Mayor announced that a Greek Festival will be held in downtown Chandler this weekend on Friday, Saturday and Sunday. He said that entertainment and food will be featured and encouraged attendance at this family festival.

He noted that February is Black History month and a panel discussion on "The African American Frontier: Visions of a Black Life in Chandler -- Past, Present and Future," will take place on Tuesday, February 25th at 7:00 p.m. in the Council Chambers. He listed a number of other activities and discussions that will occur and encouraged citizen attendance at these very worthwhile events.

MAYOR DUNN noted that a meeting of the District 20 Senator and Representatives will take place on February 18th, at 6:00 p.m. at the Sunset Library. He encouraged the members of the Council to attend and added that citizens are also invited to attend and meet their legislators.

B. Councilmembers' Announcements:

COUNCILMEMBER WALLACE said that she received a compliment from a citizen regarding conducting the Open House and asked whether plans are in the works to also hold one for District 21 in the future. MAYOR DUNN responded that they are looking at holding an Open House in District 21 sometime during April and as soon as the date is confirmed, the members of the Council as well as the citizens will be advised.

COUNCILMEMBER WESTBROOKS commented on the recent tragedy involving the Space Shuttle and asked for a moment of silence in honor of those heroes who gave their lives for the benefit of our great country, our great world, and our great universe.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 9:40 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 13th day of February 2003. I further certify that the meeting was duly called and held and that a quorum was present.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, February 27, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrooks	Councilmember

Also in attendance:

Donna Dreska	City Manager
Pat McDermott	Assistant City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Pat Walker, Bryan Patterson, Doug Ballard, Nachie Marquez, Mark Eynatten, Garrett Newland, Chief Roxburgh, Acting Chief Newman.

INVOCATION: The invocation was given by Emiliano Morondos - Chandler Baha'i Faith.

PLEDGE OF ALLEGIANCE: Vice Mayor Huggins led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognition:

MAYOR DUNN, assisted by MARK EYNATTEN, recognized VIKEN GHOU GASSIAN on his ten years of dedicated service to the City of Chandler. Mr. Eynatten stated that Vike has been with the City of Chandler for ten years, the first nine of which were spent in the Housing and Redevelopment Division. While serving in that Division, Vike was a contributing member of a Staff that maintained and modernized the City-owned HUD subsidized housing stock. His contributions during that time helped the City to achieve HUD's high performer designation in each of those nine years that he worked in Housing. His involvement on several special projects earned him a reputation for contributing solid ideas on how to make improvements to the system and the work that was being done. His work quality earned him several Values Alerts from a number of satisfied residents. In October 2001, Vike joined the Staff of the Buildings and Facilities Division where his knowledge and experience have made him an integral member of the team. His willingness to take on new challenges and respond to emergency calls promptly and with a high degree of professionalism is indicative of his commitment to quality customer service.

2. Presentation - Bill Schrader, President of SRP

MAYOR DUNN requested that Bill Schrader, President of Salt River Project (SRP), join him at the podium and stated that Mr. Schrader is in attendance this evening to present the Chandler City Council with a proclamation in honor of SRP's Centennial Celebration.

MR. SCHRADER stated that SRP was formed 100 years ago on February 7, 1903. He provided a brief overview of the history of SRP and noted that in January, the SRP Board of Governors adopted a Resolution in recognition of the many Federal, State and local elected officials who have enabled SRP to meet its obligations. He added that he is here tonight representing SRP and said that the company wants to thank the City of Chandler for its valuable partnership over the years. He pointed out that Dr. A.J. Chandler was one of the original incorporators of the Salt River Valley Water Users' Association and a pioneer in Valley hydroelectric energy and pump irrigation. He added that the mainstay of Chandler's early development was agriculture, cotton, grains and alfalfa. Mr. Schrader stated that through it all, SRP provided a dependable source of water to help ensure the farmers' success and said he is pleased to report that Chandler's spirit of partnership with SRP continues today. He added that on behalf of SRP, they feel privileged to serve the citizens of this City and stated that the Resolution commemorates SRP's gratitude for the leadership and friendship that has been demonstrated over the years. He said that he looks forward to serving the Chandler community for generations to come. At Mr. Schrader's request, Kathie Lee read the Resolution.

MAYOR DUNN thanked Mr. Schrader, Ms. Lee and the entire SRP organization for the honor they have bestowed upon the City this evening and for their continued assistance, friendship, partnership and cooperation over the years. The Mayor read a letter to SRP from the City congratulating the men and women of that organization on the company's 100-year celebration.

3. Proclamation - Race Unity Week

MAYOR DUNN requested that SUSAN STEVENS-CLARK join him at the podium as he read a Proclamation in honor of Race Unity Week. He stated the City of Chandler recognizes that the prosperity and well being of the community depends upon building a society in which people with diverse backgrounds live as members of one family. The members of the Chandler Baha'i community, in concert with other civic organizations and communities of faith in Chandler, are working towards eliminating all forms of prejudice. The Mayor proclaimed February 23 to March 1, 2003 Race Unity Week in the City of Chandler and presented Ms. Stevens-Clark, on behalf of the Baha'i community, the Proclamation.

4. Race Unity Poster Contest Winners

MAYOR DUNN asked MS. STEVENS-CLARK to remain at the podium and also called upon STEVE SWENSON to assist him in this presentation. Mr. Swenson said that the fifth annual Race Unity Poster Contest, held from February 3rd through the 14th, was sponsored by the Spiritual Assembly of the Baha'is of Chandler. School children K through 6th grade in Chandler were invited to participate and emphasized that the goal was to increase a sense of unity and promote awareness and discussion on this most challenging issue facing America, that of race unity.

MR. SWENSON advised that over 750 posters were submitted by the students from 22 different schools within the City. The rules were simple, create a picture, using any medium on an 11 x 17" sheet of white construction paper that captured their idea of race unity and celebrated the oneness of the world's people. This year's theme was "No Room in My Heart for Prejudice."

The winning posters will be on display at the downtown Chandler Public Library from March 1st through 31st, 2003 and Mr. Swenson encouraged everyone to come by and view the insightful posters.

MR. SWENSON expressed appreciation to the many people who make the contest possible, including SUSAN EISSENGER and THERESA DURHAM at the Chandler Unified School District, MS. MARYBETH GARDNER and the Chandler Public Library. He also thanked the parents, the children, the teachers and the judges. Mr. Swenson added that prior to introducing this year's winners, KIM AIELLO, representing The Spiritual Assembly of the Baha'is of Chandler would like to present a few remarks.

MS. AIELLO stated that over 100 years ago, the founder of the Baha'i faith proclaimed the oneness of humanity and presented quotes from the founder and his son on the importance of eliminating prejudice and supporting race unity. She added that on behalf of the local Spiritual Assembly of the Baha'is of Chandler, as sponsors of the Race Unity Poster Contest, she would like to congratulate the winners and thanked all of the participants for helping the community to move closer to realizing this great vision within the community.

MR. SWENSON read the names of the contest winners and he and the Mayor presented them with their certificates.

K through 3rd Division:

1st Place	Allyson Winburn Basha Elementary School
2nd Place	Caroline Tate Kyrene del Cielo
3rd Place	Lauren Paliwoda Basha Elementary School

4 through 6th Division

Alexander Barta Anderson Elementary School
Cara Pelfrey Hull Elementary School
Sara Ashton Goodman Elementary School

Honorable Mention: Lauren Andera
Jacobson Elementary School

MAYOR DUNN congratulated all of the winners on their achievement and thanked everyone for their participation in this very worthwhile contest.

5. Proclamation - Disabilities Awareness Month

MAYOR DUNN requested that JOAN BARRON, Chair of the Mayor's Committee for People with Disabilities, join him at the podium as he read a Proclamation in honor of Disabilities Awareness Month. The Mayor read that the main objective of the City of Chandler is to enhance the quality of life for the entire community by providing effective governance and the efficient delivery of its services. He noted that the month of March has been observed annually as Disabilities Awareness Month in Arizona and has been recognized by joint resolution by the Congress of the United States and by Presidential Proclamation. The Mayor added that the members of the Mayor's Committee for People with Disabilities perform a public service by officially recognizing people with disabilities as an important element in the community. MAYOR DUNN declared March 1 through March 31, 2003 Disabilities Awareness Month and urged citizens to utilize this

time to gain a better understanding of the importance of disability awareness and its impact on our society.

MS. BARRON announced that the Committee would be sponsoring a golf tournament on April 11th at Bearcreek Golf.

6. Mayor's Committee for People With Disabilities Annual Recognition Awards

MAYOR DUNN and JOAN BARRON, on behalf of the Mayor's Committee for People With Disabilities, presented the Annual Recognition Awards. The first category to be awarded was Employee of the Year, presented to Lupe Escobar.

The Mayor said that Lupe has been working at the Chandler/Gilbert ARC since the fall of 1995. Since that time, Lupe has proven to be a very valuable member of the team. She is dedicated to her work at the Chandler/Gilbert ARC and always has a smile for her co-workers. Her positive attitude is what stands out most about Lupe's personality. She has a "can do" attitude and is always looking for ways to improve upon her productivity at work. The Mayor congratulated Lupe and said that she is truly an inspiration to her co-workers. He also thanked her for her positive contribution to the Chandler community.

MAYOR DUNN added that the Committee would like to present the Employer of the Year award to Basha's Corporation and stated that two of the Bashas' family stores have been instrumental in the development and training of employees with special needs in the community. The Mayor invited Senior Vice President of Retail Operations Dave Lang and Store Director Scott McKinnon to join him at the podium. He stated that Mr. Lang has worked closely with the Chandler/Gilbert ARC to provide a work experience for adults with special needs. Dave and his staff believe in a philosophy of community involvement and the inclusion of all people into the work force. MAYOR DUNN added that with time and patience, the members of Bashas' have provided numerous employment opportunities to people with disabilities and thanked Mr. Lang and Bashas' Corporation for their outstanding contributions.

MAYOR DUNN also expressed his appreciation to Scott McKinnon, Director of Bashas' Store 76, and said that he has successfully incorporated three students from Hamilton High School into the workplace at that location. He and his staff have gone above and beyond to provide training and to make accommodation to the workload and schedules of each student employee. He commented on the benefits of the work program and noted that the lessons provided by Scott and his staff will benefit each student employee for years to come. The Mayor added that the Bashas' family treats all employees with dignity, and respect, and makes them a part of a winning team. He thanked the Corporation once again for making a difference in Chandler everyday.

MAYOR DUNN stated that it is his honor to present an award in the next category, Volunteer of the Year, and said that this honor will be presented to Norm Rimbey. The Mayor stated that Norm has been instrumental in assisting with the City of Chandler Therapeutic Recreation Program. Norm is the grandfather of a Special Olympian and has worked tirelessly to raise money for the Chandler Special Olympics Program. He is often found recruiting golfers to join in on the fun at the Chandler Golf Challenge. Norm is also personally responsible for the "sell out crowds" at the Golf Challenge, making it one of the leading fundraisers for the Special Olympics Program. When not recruiting golfers, he can be found on the practice greens with his grandson Corey at the Sheraton San Marcos Golf Course. Norm has served as a volunteer coach and partner athlete for the Special Olympics Golf Team and serves on the United Way as an advocate promoting disability awareness in the community. The Mayor thanked Norm for his hard work

and dedication and said that he is an active contributor to the community and truly makes a difference every day in Chandler.

MAYOR DUNN said that the next category is an award for Student of the Year and added that it is his honor to present this award to three very special individuals, Students of the Year, this time around. The Mayor announced that Ryan Bishop, Kevin Griffin and Bill Grigsby are the winners in this category.

MAYOR DUNN stated that Ryan Bishop is a first grade student at Tarwater Elementary School, working hard in developing independent travel skills, which he uses to trek around school. He is learning to read Braille and along with his classmates attends computer, music and physical education classes. He loves school and has an engaging personality with an infectious laugh. Ryan serves as an inspiration to others at his School.

The Mayor also congratulated Kevin Griffin on his accomplishments and stated that Kevin is a senior at Hamilton High School. He is a model student with a willingness to pursue and achieve goals both educationally and personally. He participates in a work experience program through the school, learning entry-level job skills at Target, Bashas' and Goodwill. He is active in a transition program through Hamilton High School, working half-days at the Chandler/Gilbert ARC and attends school half of the day. Kevin is a student athlete involved with a campus club, Fellowship of Christian Athletes, and is a star athlete for the Chandler Special Olympics Program. He is working towards graduation in June of this year and is an excellent example of a productive student excelling in many facets of life.

MAYOR DUNN said that it is his honor to also present Bill Grigsby with an award in this category and announced that Bill is also a senior at Hamilton High School. He has excelled in many areas of student life and is active in the work experience program. Bill is focusing on developing skills that will lead him into the workforce as a contributing member of society. Bill works for pay in the school cafeteria and is presently in the transition program with the Chandler/Gilbert ARC. Along with classes and work, Bill finds time to be active in a number of campus clubs. With graduation ahead in June, Bill is busy learning skills that he will need as a young adult. The Mayor stated that Bill is a role model for other students and a glowing example of a student committed to his school.

MAYOR DUNN once again congratulated all of the Award winners and said that it was his honor to recognize them this evening. He also thanked JOAN for her ongoing efforts and contributions to the community.

7. Proclamation - Brain Awareness Week

MAYOR DUNN requested that IDA HILL join him at the podium as he read a Proclamation in honor of Brain Awareness Week. The Mayor stated that the Pilot Club of the East Valley, Inc. is one of 518 clubs of Pilot International, which focuses on helping people affected by brain-related disorders and to increase awareness and raise funds for programs associated with this focus. Pilot International provides guidance and encouragement to our communities and sponsors activities, which increase public awareness relative to the advances and benefits of brain research. The organization also awards research grants, community grants and scholarships supporting students pursuing vocations in brain disorder related areas. MAYOR DUNN said that it is his honor to declare the week of March 10th through the 16th, 2003 Brain Awareness Week in the City of Chandler.

MS. HILL thanked the Mayor, City Council and City of Chandler and advised that brain disorder research material will be available in the Library from March 10th through the 31st. She added that the organization's annual golf tournament would be held on May 3rd at Dobson Ranch. She encouraged attendance at this worthwhile charity event.

MAYOR DUNN introduced the Chandler Mustangs, the Young Marines, to the members of the audience and explained that the members are from various schools throughout the City of Chandler. He added that the group's leader is Captain George B. Meegan.

8. John Retzger - My Last Appearance

JOHN RETZGER, 2527 East Cathedral Rock Drive, Phoenix, reiterated comments presented during his previous appearances before the members of the Council relative to allegations of mistreatment he received from members of the Police Department and various City Staff in addition to inappropriate behavior on the part of the Police Department. He stressed the need for leadership and urged the Council to make changes that will ensure that Chandler becomes a better place to live. He called for improvements in the Police Department and emphasized the importance of selecting a new Police Chief who will provide quality leadership.

UNSCHEDULED PUBLIC APPEARANCES:

FLOYD GALLOWAY, P.O. Box 1751, Tempe, President of The Freedom Network One social advocacy group, said that he is present to discuss the City of Chandler's Dr. Martin Luther King, Jr. Holiday Celebration. He stated that until 2001, he served on the East Valley NAACP and as President of that organization for approximately ten years, he attended many meetings and ceremonies, often sacrificing his own time and finances in order to support the event and/or organization. He commented that he felt that his absence at these events might have been construed as not being supportive of the community or the organization sponsoring such events. Mr. Galloway stated that over the years he has attended numerous events honoring Dr. Martin Luther King, Jr. throughout the Valley and added that the events were well attended by the City's elected officials. He said that Chandler's lack of representation on the part of its elected officials at the MLK celebration was very disappointing.

MR. GALLOWAY stated that on Sunday, January 12th, the reception honoring over 20 African American citizens of Chandler, many with a long and rich history in the City, was attended by Mayor Dunn and Councilmember Westbrooks. In addition, Councilmembers Anderson and Westbrooks attended the luncheon, which featured the first Black female astronaut, Mae Jemison. He added that Mayor Dunn was part of the program for both events. He stated the opinion that the lack of attendance at these City-sponsored MLK events on the part of City officials indicates to him that those members do not hold in high esteem the contributions made by African American citizens or Dr. Martin Luther King Junior's dream.

MAYOR DUNN thanked Mr. Galloway for his comments.

CONSENT:

MOVED BY VICE MAYOR HUGGINS, seconded by COUNCILMEMBER WALLACE, to approve the Consent Agenda as presented. MOTION CARRIED UNANIMOUSLY (7 to 0).

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Special Meeting of February 10, 2003, and the Chandler City Council Meeting of February 13, 2003.

2. DEVELOPMENT PLAN - CVS Pharmacy Ordinance #3425

ADOPTED Ordinance No. 3425 (DVR02-0040 CVS Pharmacy), rezoning from C-2/PAD for an automotive service facility to C-2/PAD for a pharmacy for an approximate 2.04-acre parcel located at the NEC of Warner and Dobson Roads.

3. DEVELOPMENT PLAN: Ellis Gateway Ordinance #3429

ADOPTED Ordinance No. 3429 (DVR02-0041 Ellis Gateway), extending the existing PAD zoning for three years for a mix of uses, including multi-family and office/employment for the approximate 40-acre parcel located at the SEC of Germann and Ellis Roads.

4. ANNEXATION: SWC of Ocotillo and McQueen Roads Ordinance #3426

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3426, providing for the annexation of approximately 7 acres located on the SWC of Ocotillo Road and McQueen Road, as recommended by Staff. (Applicant: Ed Bull, Burch and Cracchiolo; Owners: Dennis and Ann Barr, Mary Carthway, Floyd Thompson, Clifford and Patty Renoli.) The purpose of the annexation is to incorporate into the City all of the property required for a proposed commercial development including a Walgreen's and other retail uses. The property is zoned R-43 (Rural Residential) in the County. Staff has received the original signed petitions from the property owners. The City's General Plan Land Use Element designates this property as part of the Southeast Chandler Area Plan and the property is designated for single-family residential of a rural/agrarian character. The property is not within a flood zone or an airport noise contour. The annexation includes property owned by four private property owners that is proposed to be consolidated into a single development.

5. EASEMENT: SRP/Electrical Facilities - Tumbleweed Park Ordinance #3431

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3431, granting a no-cost underground power distribution easement to Salt River Project (SRP) for the installation and maintenance of electrical facilities in Tumbleweed Park, located near the southwest corner of McQueen and Germann Roads, as recommended by Staff. On August 22, 2002, the City Council awarded a construction contract for Tumbleweed Park Phase III. As part of the development of the park site, electrical power is needed to operate facilities within the park. The City requested that SRP install and maintain the necessary power lines and electrical equipment in the park. An 8-foot wide by approximately 1446-foot long easement is required as part of this development of the facility. Because the City directly benefits from the easement and the City has requested the power line and equipment, there is no cost to SRP.

6. CODE AMENDMENT: Modify Bus Pullout Requirements Ordinance #3432

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3432, amending Section 43-5.5 of the Chandler City Code regarding Technical Design Manual No. 4: Policies and Guidelines for Street Design and Access Control, to include a policy on bus pullout placement and bus stop

design, as recommended by Staff and the members of the Transportation Commission. Bus pullouts, or bus bays, allow a bus to pull out of the through traffic lanes when buses stop to load and unload passengers. Bus pullouts should be located in areas that optimize the benefits to both vehicle traffic and transit operations, as well as access to adjacent land uses. The City currently constructs new bus pullouts at the far sides of arterial/arterial intersections and other high passenger boarding locations. When planning locations for bus pullouts, factors such as traffic volumes, roadway capacity, passenger boardings, wheelchair boardings, transfers between routes, average dwell time and adjacent land uses should be taken into consideration.

The City's Transit Plan recommends balancing the needs of transit operations and vehicular traffic when considering installation of bus pullouts. The proposed policy is intended to provide direction for the location, design and construction of bus pullouts. The policy also provides direction for the design of bus stops and the passenger amenities at bus stops.

7. On the Action Agenda: IGA with ADOT (Reso. #3581)
8. On the Action Agenda: IGA with ADOT (Reso. #3582)
9. REAL PROPERTY ACQUISITION: NEC Dobson & Warner Roads Resolution #3604

ADOPTED Resolution No. 3604, approving the purchase of real property from a larger private parcel located at the NEC of Dobson and Warner Roads, as recommended by Staff. Final approval of a rezoning application for the development of a CVS Pharmacy/Drugstore at this location is before the Council under another agenda item. As part of the development of this site, the developer will construct storm water retention facilities with a capacity sufficient to accept runoff from the site's adjacent arterial road half streets as constructed to their fullest extent under the Chandler Transportation Plan, even though the widening and improvement of the roads at their intersection will not occur for several years. Construction of the over-sized retention facilities by CVS is estimated to reduce future City construction costs by over \$112,000.

Additional right of way is needed from the site for the improvement of the intersection, but the intersection improvement is not required for the development of the drugstore on the site. The cost of the "over capacity" retention facilities makes dedication of the additional right of way financially prohibitive for the developer. However, the developer is willing to convey the additional right of way in fee to the City for a purchase price of \$100,000, which is approximately \$11.34 per square foot. The conveyance would be contingent upon the developer consummating its escrowed purchase of the entire corner site from the current property owner. The acquisition will allow the less intensive pharmacy/drugstore use to develop on the site rather than the currently allowed automotive use.

10. COUNCIL AUTHORIZATION: Stipulation Regarding Approval of Order (CAWCD) Reso. #3610

ADOPTED Resolution No. 3610, authorizing the City Attorney to sign the "Stipulation Regarding Approval of Order" in Central Arizona Water Conservation District v. United States, No. CIV 95-625-TUC-WDB (EHC), No. CIV 95-1720-PHX-EHC (Consolidated Actions), as recommended by Staff. In this litigation regarding repayment obligations of the Central Arizona Water Conservation District (CAWCD) to the United States for the Central Arizona Project (CAP) systems, CAWCD and the United States had entered into a Stipulation and Order for Judgement on May 9, 2000. This stipulation provided for final resolution of the CAP financial litigation if certain conditions were met within three years. One of these conditions was the settlement of the Gila River Indian Community's (GRIC) water rights claims.

In recent months, the parties realized that although significant progress had been made towards resolution of the GRIC water rights claims, final enforceability of that pending settlement could not be completed before the May 9, 2003 deadline. CAWCD and the United States negotiated an amendment to the Stipulation (Revised Stipulation), which will extend the deadline for completion of the various prerequisite conditions for nine years, until May 9, 2012. Certain financial protections for both CAWCD and the United States are also included in the Revised Stipulation. The other parties to this litigation, which include the cities of Chandler, Glendale, Goodyear, Mesa, Peoria, Phoenix, Tempe and Tucson and the Tohono O'odham Nation, have been requested to execute a Stipulation Regarding Approval of Order, which supports the Courts approval of the Revised Stipulation. The Revised Stipulation does not change the key terms of the May 9, 2000 stipulation other than to extend the due date for completion of the three major conditions for nine years to May 9, 2012. Also, some additional terms have been added to protect CAWCD and the United States in the event the parties return to litigation.

11. PRELIMINARY DEVELOPMENT PLAN: First Credit Union Corporate Center

APPROVED the Preliminary Development Plan (PDP02-0033 First Credit Union Corporate Center), for a 64,320 square foot single tenant, two-story commercial office development on a portion of an 18-acre site located on the NEC of Chandler Boulevard and Gila Springs Boulevard. (Applicant: Don Griffin, Architect.) The site is located on the southwest portion of the Intel Gila Springs campus. Representatives from Intel & Gila Springs Homeowner's Association reported no objections. Staff and the Planning Commission recommended approval subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "First Credit Union Corporate Center," kept on file in the City of Chandler Planning Services Division, in File No. PDP02-0033, except as modified by condition herein.
2. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
3. Completion of the construction of all required off-site street improvements, including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
4. The developer shall be required to install landscaping in the arterial streets median(s) adjoining the project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
6. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
7. All common area landscaping shall be owned and maintained by a Property Owners' Association.
8. All pedestrian walkways shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation, (i.e. handicap shall have direct access to all indoor and outdoor pedestrian spaces).

9. A maximum amount of turf (10% of the total landscape area) with berming shall be installed along Chandler Boulevard.
10. Tree sizes throughout the site shall include 25% - 48" box trees, 25% - 36" box trees, and 50% - 24" box trees.
11. The developer shall be required to contribute 43% of the cost of a traffic signal at the intersection of Gila Springs Boulevard and Chandler Boulevard.
12. A deceleration lane shall be required for the driveway located off of westbound Chandler Boulevard.
13. The first phase of construction shall include the development of parcel "A" (First Credit Union Building and site), street and landscape improvements along Chandler Boulevard and Gila Springs Boulevard, and the east-west driveway and landscaping at the center of the site, as illustrated in the attached site plan.
14. The building signage shall be limited to building addresses constructed of steel reverse pan channel letters with halo illumination.
15. The project building identification monument sign shall be steel reverse pan channel letters at a maximum of 18" in height with halo illumination.

12. PRELIMINARY DEVELOPMENT PLAN: Wells Fargo Denovo

APPROVED the Preliminary Development Plan (PDP02-0023 Wells Fargo Denovo), for a 4,457 square foot bank building, with a 911 square foot drive-thru canopy, located on a 1.1-acre site at 1090 East Ray Road, Lot 6, Safeway at the Provinces shopping center (east of the NEC of Ray Road and McQueen Road). Applicant: Hal Frieborg; Leo A. Daly Company; Owner: Wells Fargo N.A. Since the proposal is for Preliminary Development Plan approval only, no formal neighborhood notification was required, however, since the project lies within the Provinces, the applicant met with the Community Association and the Province's Architectural Control Committee approved the bank branch design. Staff and the Planning Commission recommended approval subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 1377, in case Z84-49 THE PROVINCES, except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council in case PL98-006 SAFEWAY AT THE PROVINCES, except as modified by condition herein.
3. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Wells Fargo" kept on file in the City of Chandler Current Planning Division, in file No. PDP02-0023, except as modified by condition herein.
4. Sign packages, including free-standing signs as well as wall-mounted signs shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
5. All mechanical equipment and appurtenances shall be concealed and screened from view. Solid parapets are acceptable for screening, provided the height shall be equal to or higher than the highest point on the mechanical equipment.
6. All signs shall be fully integrated with the design of the building and the site development, reflecting the architecture, building materials and landscape elements of the project.
7. Parking lot design and landscape plantings shall meet current commercial design standards.
8. The ironwork on the monument sign shall match the metal canopy and trim color found on the bank building.

13. BOARD AND COMMISSION APPOINTMENTS

APPROVED the Mayor's recommended appointments to the following Boards and Commissions:

Arts Commission	-	Pam Tarpy, Michael Holland
Human Relations Commission	-	Gina Hill
Mayor's Literacy Task Force	-	Bonnie Everett (Kyrene School District replacement)
Mayor's Youth Commission	-	Chris McGinnis (alt to primary), Brittany Vaishville (alt to primary), David Hardy (alt to primary), Ryan Corry (p), Samantha Varner (p), Ariel Granillo (2006 alt), Katie Anderson (2006 alt), Xiao Fan (2004 alt), Ashley Martinell (2006 alt).

14. HOUSING: Downpayment Assistance Lien - 601 West Ivanhoe Street

APPROVED, as recommended by Staff, the subordination of the Downpayment Assistance Lien on property located at 601 West Ivanhoe Street. The single family, owner-occupied home was purchased with assistance from the City's Downpayment Assistance Program in September 2000. A lien was placed against the property by the City in the amount of \$5,975.00. This lien is in the form of a 10-year forgivable loan, with the balance currently at \$4,839.00. The owner is in the process of refinancing their first mortgage to take advantage of lower interest rates. The total amount of the new loan will be \$118,564.00. There will be no cash out to the owner. In order to obtain the loan, a subordination of the City's lien is required by the lending institution. The property has been appraised at \$125,000.00. The City's lien is currently in second position and will remain in second position after the new loan. Both liens will be within 110% loan to value per program guidelines.

15. ADOT CLAIM: Santan Freeway Water/Sewer Lines

AUTHORIZED the City Attorney to file a claim against the Arizona Department of Transportation (ADOT) and, if settlement cannot be reached, to commence litigation asserting that ADOT is financially responsible for the cost of relocating the City's water and sewer lines as part of ADOT's construction of the Santan Freeway, as recommended by Staff. City water and sewer lines located along McQueen and Willis Roads need to be relocated as part of ADOT's construction of the Santan Freeway. ADOT has asserted that the City of Chandler is required to pay the costs of such relocation, while the City asserts that this is ADOT's responsibility. To date, ADOT has been unwilling to entertain any compromise to its position that the City is solely responsible for the costs of line relocation. There is a limited time frame established by statute within which an entity must file a claim against ADOT in order to preserve that claim. Staff intends to handle this matter in-house and no expenditures will occur for outside counsel to pursue this matter. The aggregate cost for relocation of the water and sewer lines in question is expected to be approximately \$1 million.

16. QUARTERLY COMPACTION BONUS Allied Waste Companies

APPROVED the payment of a quarterly Landfill Operating Contract Compaction bonus to Allied Waste Companies in the amount of \$29,297.00, as recommended by Staff. In accordance with the current landfill operations contract, Allied Waste Companies is required to achieve a base compaction density of 1,800 pounds per cubic yard. The contract includes a penalty/bonus section for compaction density. For every 100 pounds per cubic yard below the base compaction

density the contractor achieves during a quarter, a \$.50 per ton penalty will be assessed to the contractor. For every 100 pounds per cubic yard of additional compaction above the base up to a maximum of 2,000 pounds per cubic yard, the contractor achieves a \$.50 per ton bonus. During the last quarter, (October, November and December 2002), Allied Waste Companies achieved 2,043 pounds per cubic yard of compaction. The savings to the City in usable airspace has been calculated to be \$120,000 after paying the bonus to the contractor.

17. OFFSITE AGREEMENT: EV Med, L.L.C.

APPROVED an offsite agreement with EV Med, L.L.C., deferring the undergrounding of 12 kV power lines across the frontage of East Valley Medical/Dental Campus on Dobson Road, and accepting a lump sum payment of \$17,642, as recommended by Staff. EV Med, L.L.C. is constructing a commercial development known as East Valley Medical/Dental Campus on the east side of Dobson Road, south of Galveston Street. Across the frontage of this property are 69 kV power poles that also contain 12 kV power lines. The undergrounding of 12 kV power lines is generally a requirement for new developments. However, deferral of this undergrounding may be requested by a developer when the utility frontage is less than 1,000 feet. The frontage across the campus is only approximately 500 feet and the developer has made a request that he be allowed to defer the work.

Under the proposed agreement, the developer will install conduit for the future undergrounding of these lines and make a lump sum payment in the amount of \$17,642, which represents the current cost for Salt River Project to complete the wire installation in the future. With payment of this lump sum amount, the developer will be released from any further obligation for this installation.

18. FIRE REGIONAL DISPATCH: City of Phoenix/Sharing of Communications Facilities

APPROVED Supplement Agreement No. 1 to Intergovernmental Agreement No. 101746 between the City of Phoenix and the City of Chandler for sharing of communications facilities, as recommended by Staff. The City of Chandler entered into an Intergovernmental Telecommunications Facilities Sharing Agreement as of June 1, 2002 with the City of Phoenix. At the December 12, 2002 Council meeting, the Fire Department brought forward the Regional Dispatch Agreement with the Phoenix Regional Wireless Network agreement. This agreement was approved based on verbiage in this supplement agreement which outlines frequency protection and which entity is responsible for correcting any interference. This is outlined as agreed to on Page 2 of this agreement, Section 3.2 Frequency Protection. The agreement also identifies the Chandler Fire Department Training Academy, located at 3550 South Dobson, as the site identified for the installation of the 800 MHZ Trunked Radio Network. This site was determined by Motorola engineers to provide the City of Chandler the best coverage in conjunction with the valley wide system, which includes a total of 28 800 MHZ radio network.

19. ENGINEERING SERVICES CONTRACT: Feasibility Study/Frye Rd. Bridge & Extension to Cooper Road

AWARDED an engineering services contract to Aztec for a feasibility study of the Frye Road Bridge and Extension to Cooper Road, (Project No. ST0316-101) in an amount not to exceed \$43,510, as recommended by Staff. In recent years, there have been citizen requests for an extension of Frye Road west over the Consolidated Canal to Cooper Road to reduce the amount of pass-through traffic along Lakeview Boulevard. Lakeview Boulevard connects the existing

Frye Road to Chandler Boulevard. As a result, the City programmed money in the Capital Improvement Program to fund a study of the request.

This project provides for a feasibility study, including a traffic count analysis and modeling of alternative roadway alignments, to determine the viability of the proposed bridge and extension. This project will also include an extensive public involvement process. If it appears that the Frye Road extension should proceed, design and construction of the bridge and roadway extension will proceed under separate contract.

20. CONSTRUCTION CONTRACT: McQueen Road City Yard Development

AWARDED a construction contract for the Construction Manager at Risk Project to Turner Construction Company for the McQueen Road City Yard Development, including buildings for Traffic Warehouse, Fleet Services, Water Production Maintenance, Water/Wastewater Administration (Pod III), and the access road and site work, Project No. ST0138-401, in an amount not to exceed \$8,519,804, as recommended by Staff. The City purchased a 30-acre parcel located at McQueen Road, just north of Germann Road, in 1991 to accommodate future growth needs. The Yard site currently has two existing Municipal Utilities buildings located on the east end adjacent to McQueen Road. The 30-acre site has been master planned to accommodate additional buildings for Public Works, Management Services and Municipal Utilities.

The new buildings and facilities are needed to provide additional space, replace outdated facilities and to bring the City's facilities up to current regulatory standards. The design phase of the project is nearly complete and the contractor has offered the guaranteed maximum price for construction.

21. CONSTRUCTION CONTRACT: Arrowhead Meadows Park Pool Expansion

AWARDED a construction contract for the Construction Manager at Risk Project to Low Mountain Construction, Inc., for the Arrowhead Meadows Park Pool Expansion, Project No. 0108-401, in an amount not to exceed \$1,270,000, as recommended by Staff. The Arrowhead Meadows Aquatic Facility, originally constructed in 1973, has received minor improvements over the years. This new project includes the construction of a play pool and a connecting road between the park's north and south parking lots. This project was originally competitively bid with a low bid of \$1,681,000, which exceeded the project's budget. Using the Construction Manager at Risk process, the contractor, City Staff, and the design firm were able to value engineer the project to be within the project's budget by re-designing the water filtration system and re-configuring the main slide tower from two chutes to one longer chute.

22. CONSTRUCTION CONTRACT: Chandler Main Library Renovations

AWARDED a construction contract to D.N.A. Builders, Inc. for Chandler Main Library Renovations, Project No. LI0201-401, in an amount not to exceed \$228,306, as recommended by Staff. The Chandler Public Library Strategic Plan 2000-2003 recommended renovations to the Chandler Main Library. Work under this contract includes renovation of approximately 4,000 square feet within the Chandler Main Library in the proximity of the gift shop. The renovation expands the retail space used by the "Friends of the Library" while incorporating a large designated reading area to be used for library patrons and programs. Private contributions and donations from the Friends of the Library have provided for gift shop furnishings and equipment. City Staff will manage the construction of this project.

23. CONTRACT EXTENSION: Southwest Slurry Seal/Asphalt Emulsion Slurry & Micro Seal

APPROVED a one-year extension of Contract No. ST1-0161-1732 for asphalt emulsion slurry seal and micro seal to Southwest Slurry Seal, Inc., in an amount not to exceed \$606,500, as recommended by Staff.

In January 2001, the Council awarded a one-year contract to Southwest Slurry Seal, Inc. with provision for four additional one-year extensions upon mutual agreement between the City and the contractor. The contractor has agreed to extend the contract for the second of the four one-year extensions with a price increase of 4.1% for slurry seal and 5.1% for micro surface. The contractor has cited rising asphalt emulsion costs for the price increase. Purchasing compared the requested price increase to the original bid. The comparison indicated that Southwest Slurry Seal, Inc.'s requested pricing is less than the second low bidder. Renewal of the contract guarantees the pricing for the year and avoids administrative costs associated with rebidding.

24. CONTRACT: Scott Reprographics/Reproduction Services

AWARDED a contract for reproduction services to Scott Reprographics in an amount not to exceed \$90,000, as recommended by Staff. Reproduction services are required to print drawings and documents for construction projects and includes delivery to City offices and City consultants upon request. Based on last year's usage (Council approved \$90,000 last year), and the projected upcoming projects, Staff is requesting an amount not to exceed \$90,000. Each construction project requirements are different in the type of reproduction services provided. Services provided are digital bond reproductions, enlargements, and reductions on digital bond. This will be a one-year contract with two option years.

25. CONTRACT INCREASE: Specialized Utility Paving & Construction/Installation of New Asphalt Speed Humps

APPROVED an increase to contract number TE2-5610-1883 for the installation of new asphalt speed humps to Specialized Utility Paving and Construction, LLC, by \$10,000, to an amount not to exceed \$96,000 and approved extending the contract for one year through May 9, 2004, in an amount not to exceed \$75,000 as recommended by Staff. As part of the traffic-calming program, asphalt speed humps have proven to be an effective tool in the reduction of speeding on residential streets. In May 2002, the City Council awarded a one-year contract with two one-year extensions not to exceed three years. The original contract amount was \$86,000 and was used to construct 62 speed humps. Specialized Utility Paving & Construction, LLC has performed to the City's expectations and will continue to be used for the remainder of this fiscal year. The term of the current contract with this contractor expires May 9, 2003. Staff is recommending the first one-year contract extension until May 9, 2004. The contractor has agreed to extend the contract with a 13% increase per lineal foot for 14' wide speed humps and a 9% increase per lineal foot for 12' wide speed humps starting May 9, 2003. These proposal increases are due to increased labor, asphalt and material costs and the requested increases are acceptable to Staff.

26. PURCHASE: 3M Digital Tags

APPROVED the sole source purchase of 3M Digital Tags from 3M Library Systems, in the amount of \$172,901, as recommended by Staff. The purpose of this purchase is to complete the Radio Frequency Identification (RFID) conversion currently in progress at the Downtown Library.

This also includes digital tags for the opening day collection for the new Basha Library. The RFID technology allows the City to increase the efficiency of the charging and discharging processes related to circulation of materials. This in turn allows the City to keep up with the increased usage by reallocating Staff rather than adding a proportionate number of positions to meet the growth. Additionally, by purchasing this quantity of tags, the City is able to take advantage of an 8% savings.

27. No Item

28. PURCHASE: Non-Patrol Vehicles

APPROVED the use of the State of Arizona contract for the purchase of non-patrol vehicles in the amount of \$179,536, as recommended by Staff. In September 2002, the City Council approved use of the State of Arizona contract for the purchase of 37 vehicles in an estimated amount of \$725,000. Additional requirements have developed since the September approval. Utilizing the State contract allows the City to save the costs associated with the bid process and to share in the fleet incentives offered on the State contract.

29. SOLE SOURCE PURCHASE AGREEMENT: Selectron/Expansion of Interactive Voice Response (IVR) System

APPROVED the sole source purchase of the expansion of the Interactive Voice Response (IVR) System, which includes Web functionality, with Selectron in an amount not to exceed \$89,550, as recommended by Staff. Customer Service Representatives in Utility Services answer an average of 7,200 calls per month and this number increases approximately 7% each year, requiring the addition of a Representative about every 2 years. Also, business can only be conducted Monday through Friday between 8:00 a.m. and 5:00 p.m. Currently, customers do not have the option of accessing account information or paying their utility bills through an IVR system or via the Internet. The Selectron system will provide customers 24 hours/day 7 days/week access to their accounts via IVR and the Internet. Citizens will be able to access billing information, pay their utility bill, and request service disconnects. Callers will also have the option to select a Spanish version of the IVR system and the system will provide a dynamic information module, which will enable callers to request informational messages and faxed copies of documents and forms. Use of this system will allow the City to maintain or improve service while reducing the need for additional Staff members and space in the future. Wait times for incoming calls can be reduced, as fewer calls need to be personally handled by a Staff member.

In June 2001, the Planning and Development Department requested that proposals for an IVR system be obtained. Selectron received the award and the IVR System is currently used within the City's Planning and Development Department. The Licensing, Tax & Utility Services Division of the Management Services Department requested the expansion of this IVR System. By expanding the existing system, the City will realize the cost benefits of a uniform IVR System that may continue to be expanded to other Departments. The expansion of the system will also allow IVR capabilities with the Hansen Utility Billing Software. Selectron is the developer and the only authorized distributor of the Selectron IVR System.

30. USE PERMIT EXTENSION: Villa Jean

APPROVED a request for a Use Permit extension (UP02-0059 Villa Jean) to continue the provision of adult care services within the applicant's home located at 704 West Cheyenne Drive. (Applicant: Jean Arnold). Villa Jean is located at the SWC of Elliot Road and Hartford Street.

The approximate 1,600 square foot six-bedroom residence is home to eight individuals. The applicant has been providing adult care services since late 1996. The first Use Permit was filed in 1997 to increase the number of residents from five to eight. The applicant received a Use Permit extension in 1999. Conditions attached to the previous Use Permit restricted the maximum capacity to eight residents and a three-year time limit. The application was filed because the time limit is expiring. There are no zoning violations or history of issues with the Police Department on record for this residence.

The supervisory care license issued by the Arizona Department of Health Services states that the facility could accept both ambulatory and non-ambulatory residents. Over the years this facility has received positive comments and support from the surrounding neighborhood and Staff recommended that the Use Permit be renewed without a time condition. Regular inspections will continue to take place to ensure that the facility operates in conformance with requirements. No telephone calls or letters from residents opposed have been received by Staff although three phone calls from residents in favor of the extension have been received. Planning Commission and Staff, upon finding consistency with the General Plan, recommended approval subject to the following conditions:

1. Compliance with the City of Chandler's Zoning Code provisions with regard to the operation of adult care homes.
2. Maximum resident capacity is eight.
3. Any change in ownership shall require a new Use Permit approval.

31. LIQUOR USE PERMIT: Chopstixx

APPROVED a Use Permit (UP02-0067 Chopstixx) to sell liquor for on-premise consumption only, within a new restaurant (Series 12 Restaurant License) located at 2510-1 W. Chandler Boulevard, east of the NEC of Chandler Boulevard and Coronado Street. (Applicant: AZIA Concepts, LLC, Ron Yee; Owner: San Tan Festival, LLC.) The new restaurant is located within the Chandler Festival-East Shopping Center. The approximate 3,000 square foot restaurant will have an estimated seating capacity of 116 persons. The restaurant expects to open in April 2003. This request was noticed in accordance with the provisions of the City of Chandler Zoning Code and to date, Staff has not received any telephone calls or letters from residents opposed to the Use Permit. Planning Commission and Staff, upon finding consistency with the General Plan, recommended approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 12 License only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

32. LIQUOR LICENSE: Chopstixx

APPROVED a request for a City of Chandler Series 12 Restaurant Liquor License (#300000547) and that a recommendation for approval of State Liquor License No. 12075346 for Ronald Yee, Agent, Azia Concepts, LLC, dba Chopstixx, at 2510 West Chandler Boulevard, Ste. 1, be forwarded to the State Department of Liquor Licenses and Control. The Police Department reported no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's

Tax Code. With a Series 12, the business may sell all liquors for on-premise consumption only, with a minimum of 40% of the gross receipts from the sale of food.

33. LIQUOR USE PERMIT: Stuart Anderson's Black Angus Restaurant

APPROVED a request for a Use Permit to sell liquor for on-premise consumption only within a new restaurant (Series 12 Restaurant License) located at 2770 West Chandler Boulevard on the NEC of Chandler Boulevard and Coronado Street, within the Chandler Festival-West shopping center. (Applicant: ARG Enterprises, Inc., Amber Mangus; Owner: San Tan Festival, LLC.) The approximate 7,800 square foot restaurant will have an estimated seating capacity of 268 persons, including seating on a small patio. The restaurant anticipates opening September 2003. The request was noticed in accordance with the requirements of the City of Chandler Zoning Code and to date Staff has not received any telephone calls or letters from residents opposed to this Use Permit. Planning Commission and Staff, upon finding consistency with the General Plan, recommended approval of the Use Permit, subject to the following conditions:

1. The Use Permit is for a Series 12 license only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

34. SPECIAL EVENT LIQUOR LICENSE: Desert Sun Child Development Center

APPROVED a City of Chandler Special Event Liquor License, and that a recommendation for approval of a State Special Event Liquor License for Desert Sun Child Development Center, be forwarded to the State Department of Liquor Licenses and Control. The Center intends to hold a silent auction fundraiser on Friday, March 7, 2003 from 6:00 p.m. until 10:30 p.m. at the Windmill Inn Suites of Chandler, 3535 West Chandler Boulevard. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reported no objections to the issuance of this license. As the applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

35. SPECIAL EVENT LIQUOR LICENSE: St. Andrew's Catholic Faith Community

APPROVED a City of Chandler Special Event Liquor License, and that a recommendation for approval of a State Special Event Liquor License for St. Andrew's Catholic Faith Community, be forwarded to the State Department of Liquor Licenses and Control. The organization intends to hold a St. Joseph the Worker Celebration and fundraiser on Sunday, March 9, 2003 from 12:00 p.m. until 4:00 p.m. at 3450 West Ray Road. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reported no objections to the issuance of this license. As the applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

ACTION:

7. IGA/ADOT: City Funding of Utility Improvements/Enhancements to Santan Freeway (Dobson Rd. to Arizona Ave) & Appropriations Transfer Reso. #3581

AND

8. IGA/ADOT: City Funding of Utility Improvements/Enhancements to Santan Freeway (Arizona Ave. to Gilbert Rd.) & Appropriates Transfer Reso. #3582

(NOTE: AGENDA ITEMS 7 AND 8 ABOVE WERE DISCUSSED CONCURRENTLY.)

ADOPTED Resolution No. 3581 and Resolution No. 3582, including funding for aesthetic enhancements, as recommended by Staff and the members of the Transportation Commission.

Assistant Public Works Director DAN COOK provided a brief overview of Agenda Item 7 (City funding of utility improvements/aesthetic enhancements to the Santan Freeway from Dobson Road to Arizona Avenue in the amount of \$564,683 and the approval of a contingency fund transfer of \$346,669.00) and Agenda Item 8, (City funding of utility improvements/aesthetic enhancements to the Santan Freeway from Arizona Avenue to Gilbert Road in the amount of \$4,258,289 and the approval of a contingency fund transfer in the amount of \$575,150.50), as recommended by Staff. Mr. Cook noted that both items relate to entering into an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) relative to these issues.

MR. COOK explained that the purpose of the IGA's is to allow the City to pay ADOT for the construction of these improvements and to provide ADOT with the authority to undertake those improvements on behalf of the City of Chandler. Mr. Cook briefly discussed the costs associated with the proposals and highlighted a list of the proposed utility improvements and aesthetic enhancements. He noted that the utility improvements are needed to continue both existing service and to provide for future expansion. He added that the aesthetic enhancements complete the improvements through Chandler on both the Santan and Price Freeways, with the exception of a small piece at Arizona Avenue, which will be worked on as part of the landscape contract later on in the project. He noted that the work will be performed by ADOT as part of a much larger project, and reported that the Dobson Road to Arizona Avenue project is (approximately) a \$53 million project and the Arizona Avenue to Gilbert Road project is (approximately) a \$82 million project. Mr. Cook explained that when the City of Chandler does this type of work in connection with much larger projects, much better bid prices are received.

MR. COOK referred to pictures displayed in the Council Chambers and provided additional input relative to the proposed improvements and enhancements. He noted that Staff's recommendation is that the Council approve proceeding with the utility improvements and aesthetic enhancements at this time. He added that an alternative recommendation would be to proceed with only the utility improvements at this time.

MAYOR DUNN thanked Mr. Cook for his presentation and noted that this is the fourth time the Council has visited this issue. He said that they considered similar projects that included enhancements three other times, going back to 2000 when the Price Freeway enhancements were approved as well as two other utility improvement/aesthetic enhancement proposals along the Santan Freeway.

In response to a request from COUNCILMEMBER WALLACE for a "ballpark figure" that would indicate what the costs would be later on versus what the costs are now if the Council was to vote to delay the enhancements to a later time and use that money (just under \$1 million) for other transportation needs. Mr. Cook responded that in a memo forwarded to the Council from Staff,

he stated the opinion that by estimating the work on the Santan Freeway, using the estimates and the bids that Staff obtained for the Price Road work, approximately \$231,000 could be saved, an approximate 32% savings on the work.

COUNCILMEMBER WALLACE commented that the City of Chandler has so many transportation needs that need to be addressed, and that fact, combined with the possibility of losing an additional \$14.8 million, convinces her of the importance of holding off on spending money for aesthetic improvements.

MOVED BY COUNCILMEMBER WALLACE that Resolution No. 3581 be approved with the Alternate Staff recommendation of funding utility improvements in the amount of \$272,333.00.

COUNCILMEMBER BRUNO seconded the motion.

In response to a request for clarification from the Mayor, City Attorney DENNIS O'NEILL stated that the Council will have to include it all in one motion if they want to include everything. The Mayor said that if the Council wants to include the aesthetic enhancements, they will need to vote in opposition to this motion and make a second motion to include both the utility improvements and the aesthetic enhancements. Mr. O'Neill confirmed that the Mayor was correct.

VICE MAYOR HUGGINS commented on the efforts expended by the City to put regulations in place and to work with developers to ensure that all projects in the City are of the highest quality and standards.

MAYOR DUNN commented that approval of the aesthetic improvements on the Price Freeway was the result of a 7 to 0 vote on the part of the Council and the vote for approval, including the aesthetic enhancements for the Santan Freeway was 6 to 1. He stated the opinion that the Council clearly has made some very significant statements by these actions. He said that he views this action as an obligation to the citizens of Chandler and noted that very strong, significant statements of support for aesthetic enhancements have come forth from the members of the community, particularly those who live along the freeway. He added that over and over again, throughout the entire public hearing/meeting process, citizens have confirmed their support for sound mitigation efforts as well as aesthetic enhancements.

The Mayor stated that the Council recognized the importance of ensuring that the Price Freeway enhancements were in place to work in conjunction with the high quality/high standards that were expended in connection with the new mall, and stated the opinion that the Santan Freeway and the citizens who live along that route deserve the same consideration. He emphasized that the Santan Freeway is going to serve as the entrance to Chandler's downtown area and a major employment location at the Chandler Airpark, and added the opinion that the enhancements support the overall vision for those areas.

MAYOR DUNN noted that if they look at what they will be paying for aesthetic enhancements in connection with the cost of the overall project, the enhancements represent half of one percent of the total cost. He added that he believes this amount to be reasonable and appropriate in view of the benefits that will result.

COUNCILMEMBER WALLACE said she would like to reiterate her comments relative to the fact that the fencing can be painted and the decorative features can be added later on. She added that the delay in the enhancements will not impact sound mitigation. She noted that the Council will vote on a MIS Study in the near future and the transportation needs of Chandler's citizens

and added that she believes \$1 million is a significant amount of money and could positively impact important areas such as bus routes.

COUNCILMEMBER WALLACE called for the question.

In response to a request for clarification from the Mayor, MR. O'NEILL stated that discussion may continue if a member of the Council so desires unless the member who called for the question places a motion on the floor to end discussion and a majority of the Council votes in support of the motion to end discussion at this time. COUNCILMEMBER WALLACE said it is not her intention to stifle Council discussion and she has no problem with allowing further discussion to occur at this time.

MAYOR DUNN asked whether any members of the audience would like to present remarks at this time.

FRANK PEAKE, 1199 N. Melody Drive, Chandler, stated that he serves as the Chairman of the Transportation Commission and noted that the members reviewed this issue in depth. He noted that the same concerns raised by Councilmember Wallace were discussed by the members, particularly in view of current budget restraints and financing issues. He added that the members of the Commission also discussed the importance of maintaining high standards and presented comments similar to those of Mayor Dunn and Vice Mayor Huggins. Mr. Peake reported that the members of the Transportation Commission voted unanimously in support of proceeding with the proposed aesthetic enhancements and believe that it is extremely important to consistently maintain the high quality standards that are a trademark in the City of Chandler.

In response to a question from the Mayor, MR. COOK stated that if the aesthetic enhancements were delayed to a later time, a separate contractor with additional mobilization charges and possibly different unit prices would come into play and, because the work would not be done in conjunction with a much larger project, costs would likely be higher.

MR. COOK provided clarification relative to the enhancement costs and noted that the difference between the Dobson Road to Arizona Avenue segment and the Arizona Avenue to Gilbert Road segment is that there are three bridges on Arizona Avenue to Gilbert Road section, but only two bridges on the Dobson Road to Arizona Avenue portion, and the difference represents costs associated with the painting and the graphics on the additional bridge.

COUNCILMEMBER WESTBROOKS commented on the fact that similar issues and concerns have been raised during discussions about enhancements for the other freeway and stated the opinion that it is important to maintain high standards and be consistent as far as quality and design. He also stressed the importance of meeting the expectations of the members of the community and said he believes that those expectations are to have aesthetic enhancements along these stretches of the freeway. He added that the citizens' high-level quality of life should be protected.

COUNCILMEMBER WESTBROOKS also expressed the opinion that the expenditure is not "mutually exclusive," and stated that he believes the City will still be able to meet additional transportation needs as they arise. He commented on the fact that the members of the Transportation Commission have voted in support of proceeding and said that he values and respects the members' opinion. He stated that the City of Scottsdale spent approximately \$6 million on that city's aesthetic improvements and added that he would be the first person to

question an expenditure in that amount, but believes the proposed costs are appropriate and should be approved for both segments of the freeway.

City Manager DONNA DRESKA stated that prior to voting on the motion containing the alternate recommendation, a \$54,319 contingency transfer would still be needed in order to allow the communications conduit to be installed. She recommended that the motion be amended to reflect that addition.

COUNCILMEMBER WALLACE agreed to amend her motion (and COUNCILMEMBER BRUNO agreed to second the amendment to the motion) to reflect the addition, as recommended by the City Manager.

HAL LOONEY, 13312 E. Vallejo Drive, commented on the significant strides Chandler has made in connection with the Chandler Fashion Mall and the high quality commercial buildings that have been developed. He stated support for proceeding with the aesthetic enhancements as recommended by Staff and urged the Council to approve the recommendations which will allow Chandler to continue to attract high-end businesses and high quality housing projects.

MAYOR DUNN thanked Mr. Looney for his input.

MAYOR DUNN clarified that the Council is only voting on Agenda Item #7 at this time.

MOTION FAILED for lack of a majority (1 to 6) with Councilmember Wallace voting in support.

In response to a question from COUNCILMEMBER ANDERSON, Mr. O'Neill confirmed that one motion may be made for both Agenda Items 7 and 8.

MOVED BY COUNCILMEMBER ANDERSON, SECONDED BY VICE MAYOR HUGGINS, that Resolution No. 3581 **and** Resolution No. 3582 be adopted, including funding for aesthetic enhancements, as recommended by Staff and the members of the Transportation Commission.

COUNCILMEMBER WALLACE stated that she will vote in support of the motion because she cannot vote in opposition to proceeding with the utility improvements.

MOTION CARRIED UNANIMOUSLY (7 to 0).

36. COUNCIL ACCEPTANCE: High Capacity Transit Major Investment Study Reso. #3611
& Adopt Locally Preferred Alternative-Future High Capacity Transit System

Public Works Director BRYAN PATTERSON addressed the Council relative to this Agenda item and stated that this is the culmination of an 18-month study that took a diligent look at the long-range transit needs for the City of Chandler, particularly in the area of high capacity transit. He added that the effort involved many Staff members, Committee work and time and commended the members of the Transit Task Force, the members of the Transportation Commission, the City's consulting firm and staff for their diligence and hard work. He said that Transportation Services Planning Manager MIKE NORMAND would provide the Council with a brief overview of the process that was followed and options that were considered. He added that FRANK PEAKE, Chairman of the Transportation Commission, will present recommendations for the Council to consider.

In response to a request from the Mayor, MR. NORMAND explained that this represents the third transportation study undertaken by the City within the last two years and noted that the first one was an update of the City's Transportation Plan, a transportation study, which was completed in 2001. That study looked at the City's arterial street system and as a result, the City recognized the fact that Chandler's arterial streets have become extremely congested based on increased demands. The citizens' committee involved in that study recommended that the City initiate a High Capacity Transit study. Mr. Normand added that in August of last year, an update was completed on the City's Transit Plan. He noted that the study primarily looked at the bus system and how that system could be improved. He pointed out that this study is different in that it follows along the lines of the Transit Plan Update, but is more of a long-range look at high capacity transit, including light rail, bus rapid transit, commuter rail, etc., and identifies appropriate corridors.

MAYOR DUNN stated the opinion that the High Capacity Transit Major Investment Study also allows the Council to think regionally, beyond Chandler's borders, realizing that high capacity transportation elements are going to involve the Valley as a whole.

MR. NORMAND highlighted a brief power point presentation on the High Capacity Transit Major Investment Study. He noted that the study was funded by the Maricopa Association of Governments (MAG) and representatives from MAG and Valley Metro participated in the development of the Study. The consulting firm of BRW was retained to do the Study, which was initiated in July of 2001. He noted that Dennis Wahl from BRW is present at the meeting and willing to respond to any technical questions from the members of the Council.

Discussion ensued relative to the fact that the City's Transportation Commission was involved in the Study process, the development of the alternatives and the ultimate recommendations; justification for the development of the Study and the creation of High Capacity Transit in Chandler; the importance of creating a long-term vision as to the manner in which the transportation system and the City's land use plans will be integrated as the City builds out and as portions of the City are redeveloped; the importance of responding to growth and projections indicating that existing freeways (as well as Chandler's existing streets) will become more congested; the importance of extending the capacity of the City's streets system and providing citizens with alternate transportation options, such as high capacity transit and improved local transit service, and the importance of being "well positioned" in order to take advantage of the benefits that will be realized as a result of participating in regional opportunities.

MR. NORMAND informed the Council and the audience that this Study represents the first step in the process for applying for Federal funds and noted that projects being proposed that are regional in nature have significant costs associated with them and could not be implemented by jurisdictions on their own. He also discussed the extensive public involvement process that took place. He commented on a number of alternatives that were looked at in the final phase of the Study.

MR. NORMAND discussed a number of intersection improvements, including queue jumper lanes, and explained that these are "bus only" lanes at intersections with a separate traffic signal phase to provide an early green to get ahead of traffic. Additional discussion ensued relative to traffic signal upgrades, bus stop improvements and fiber optic cable. He noted that the intersection improvements will improve the operations of current bus routes and will support phased implementation of BRT. He commented on ridership trends and stated that a number of environmental impacts were evaluated, including noise, historical/cultural and overall construction

impacts. He noted that additional environmental impact studies will be conducted should the City support moving on to the next step in the process.

Additional discussion ensued relative to capital cost estimates and discussed the difference in costs between light rail transit and bus rapid transit; the fact that light rail requires substantially more infrastructure (from \$240 million for the Chandler Branch LRT to \$485 million for the Tempe Branch LRT); the fact that the amounts represent the total cost of the entire alignment and the importance of entering into partnerships in order to fund portions of the costs that are not offset by Federal funding; and annual operating cost estimates.

MR. NORMAND commented on the implementation strategy and stressed the importance of building up an accessible bus system in the City that would later on support a High Capacity Transit Major Investment Study. He added that the second important component of the strategy is to identify and preserve corridors for future high capacity transit systems. He discussed the importance of implementing the most productive and least expensive portions of High Capacity Projects first and expanding capacity levels when demands reaches appropriate levels. Mr. Normand also stressed the need to pursue regional, State and Federal funding sources to accelerate implementation. He commented on Staff's recommendation that BLT be pursued initially, followed by LRT when levels justify moving in that direction.

FRANK PEAKE, Chairman of the Transportation Commission, addressed the Council and indicated his intention to present a brief overview of the locally preferred alternatives for High Capacity Transit in Chandler. He noted that the Study has been extremely in-depth and thanked Staff and the consultants for their extensive efforts and assistance in developing alternatives that would benefit the City of Chandler. He commented on the fact that their intent was never to "jump in" over their heads right out of the gate, but rather to implement a progressive phasing of transportation throughout the City.

MR. PEAKE noted that the locally preferred alternatives for High Capacity Transit in Chandler, as listed in the proposed Resolution, include:

1. Implement neighborhood, local and express bus transit in accordance with the Chandler Transit Plan;
2. Implement transit system enhancements for existing and future transit service, and future bus rapid transit service to include queue jumper, traffic signal priority features, bus stop/station enhancements, and other system enhancements;
3. Implement bus rapid transit (BRT) service as transit ridership increases and service is warranted;
4. Implement light rail transit (LRT) service as transit ridership increases and service is warranted; and
5. The following corridors are designated for development of high capacity transit systems:
a) Rural Road; b) Chandler Boulevard and c) Arizona Avenue/Union Pacific Railroad Chandler Branch Line.

MR. PEAKE referred to photographs depicting modern, high-tech bus vehicles that are being implemented in Las Vegas at the current time and noted that all of the bus stops would consist of elevated platforms. He stated that although the vehicles are considerably higher in cost than standard buses, their performance and efficient operation justifies the added expense.

MAYOR DUNN stated that he is excited about the prospect of vehicles such as the ones in Las Vegas, which provide the benefits of light rail without the enormous costs and inconvenience

associated with the placement of tracks down the middle of the street. He asked whether the Federal government is considering such options in connection with light rail funding allocations. MR. PEAKE responded that the vehicles this summer will be placed in service as an alternative in Las Vegas and will supplement that city's rapid transit system. He noted that the vehicles are state-of-the art and said that should Chandler decide to move in a similar direction, the City would be "ahead of the curve" as far as municipalities and their use of "high-tech" alternatives.

In response to a question from the Mayor, MR. PEAKE advised that there are two variations of track, one of which is "open" and similar to regular freight rail and a second type where you actually imbed the rails in concrete, which allows you to drive vehicles over it. He said that his understanding of Phoenix's plan, because of cost ramifications, is to utilize the open track and noted that the imbedded track will only be in place at vehicle intersections.

VICE MAYOR HUGGINS asked if this type of system would be significantly quieter than light rail. MR. PEAKE responded that although he cannot speak to the details as they pertain to environmental impacts, he believes that this particular type of bus, hybrid diesel electric, would have more positive impacts overall on the environment.

MR. PEAKE also spoke on the issue of implementation and said that the goal of the financial plan would be to include as much of the transit system improvements as possible in the regional area, and commented on the regional sales tax extension proposal in 2004. He said that one of the components would be the Transit Plan Update that was completed last August and stated that their intent would be to "pull it off the shelf" and incorporate a large, significant portion of that Plan into the regional system as a feeder to the regional network. He added that they would also look to Federal funds through the MAG process, where 50% to 80% of the capital costs are up front and improvement costs could be supplemented. He noted Staff's intention to continue to use State lottery funds to offset operating costs which are currently running at approximately \$1 million a year. Mr. Peake said the necessity may still exist to identify a local revenue source to pay for other elements that may or may not be included as part of the Federal funding or the regional transportation tax increase.

MAYOR DUNN thanked Mr. Peake for his presentation.

COUNCILMEMBER ANDERSON stated that the bottom line is that the plan comes down to funding and noted that there are three major revenue funding sources, Federal, State and local. He said it is his understanding that the Federal grant programs may cover 50 to 80% of the costs and asked Mr. Peake how he envisions the "shortfall" of 30 to 50% of the initial capital costs would be made up. MR. PEAKE stated that in addition to the Federal funds, there is the extension of the half-cent sales tax as well as utilization of State Lottery funds.

MAYOR DUNN said that an opportunity exists to redefine transportation priorities in Maricopa County and added that what they have been living under for the past twenty years has been the half-cent sales tax devoted to a transportation plan that was developed twenty years ago and which was overwhelmingly approved by Chandler as well as Maricopa County residents. He added that this tax, in essence, has built the freeways. He further stated that what they are going through now is a redefinition of a plan for the next twenty to twenty-five years. He thanked the Legislators for their efforts and said that they are now developing a plan that will go to the voters, including Chandler voters, to help fund the next generation of transportation modes.

MAYOR DUNN commented on the fact that every city has different priorities and stated that all of the cities have submitted a list of their transportation priorities. He noted that some of the

municipalities are focusing on light rail while others are focusing on more immediate modes of transportation, such as rapid bus transit. He added that what is really exciting about the plan is that they are looking at such things as arterial street improvements, bus pullouts, improving intersections, and the discussions have finally gotten to the point where people are realizing that we are not just talking freeways anymore. He emphasized that you can have great freeways in place, but if you can't get to those freeways, if you don't have good transportation through your city, it's not going to work. He added that the challenge to the Transportation Planning Commission is going to be to come up with a plan that can be accepted and voted on positively by voters throughout Maricopa County.

Discussion ensued among the members of the Council relative to east valley cities getting together to form a uniform front relative to these issues and moving forward; the importance of coordinating efforts with other cities; the finding of the MAG Transportation Study that reflected that out of the hundreds of thousands of daily automobile trips, 65% of them originate and terminate within the City of Chandler's city limits; the fact that the timelines represent estimates that the consultants developed in order to move along at the same rate of speed as the current program, the importance of providing citizens with accurate, up to date information on transportation issues and available funding, and Mr. Peake's opinion that the acceleration of the proposed modes is a viable consideration for the City.

MAYOR DUNN stated that the Transportation Planning Commission has recommended to MAG's Transportation Policy Committee that the half-cent extension be brought before the voters in May of 2004 and said that an opportunity exists, dependant on voter approval, to receive significant potential funding resources for the entire region, including the City of Chandler. He added that once the City of Chandler knows what transportation dollars are available, then the City can decide what needs to be done in Chandler and whether a separate City election is necessary to accomplish those transportation goals.

COUNCILMEMBER BRUNO stressed the importance of obtaining outside revenue sources for transportation purposes and obtaining citizen support.

COUNCILMEMBER WALLACE thanked Mr. Peake and the members of the Commission for their extensive efforts throughout the long process. She commented on a meeting she had with representatives of a company that conducts business throughout the Valley. She said that she is not a proponent of light rail and the gentleman said that he would vote against a half-cent sales tax if money was included for light rail. She expressed the opinion that strong opposition exists regarding the development of light rail and asked whether discussion has occurred at the Mayoral level relative to "splitting" up the questions on the ballot.

MAYOR DUNN said that discussions have occurred relative to addressing this issue on a regional level and stated the opinion that they are not yet at the point where they would decide whether to segregate the issues. He added the opinion that a consensus exists that a regional system will ultimately be pursued. He commented on the fact that the plan preserves the corridors so that even twenty years from now, the City will be able to "tie into" the light rail system if it is successful. He added that the Mayors in the East Valley are having in-depth discussions relative to the importance of ensuring that regional transportation corridors and modes exist in the East Valley because the cities and towns have special needs that must be taken into consideration. The Mayor noted that the East Valley Partnership has been very involved in the discussions as well.

COUNCILMEMBER WALLACE said that she was surprised to learn that there are so many people out there who do not support light rail and stated that based on the Mayor's comments, she is getting the feeling that there will not be support for "separating" or "splitting up" the questions on the ballot. MAYOR DUNN responded that the Transportation Policy Committee is meeting quite often to review priorities. He said that he does not believe discussions have reached the point where they are talking about the actual presentation of the issues on the ballot but added that when plans are being discussed, they will come back to the respective cities for their consideration and approval. He stressed the importance of maintaining an open mind and recognizing that this is a regional transportation plan and an element of light rail will most likely be included in the proposal. The Mayor emphasized that every effort will be made to update the members of the Council on the progress of the Transportation Policy Committee on a regular basis.

COUNCILMEMBER ANDERSON clarified for the members of the audience that light rail transit is not an express route, but rather an expensive "glorified" bus system that does not get anyone anywhere quickly. He added that he prefers the BRT vehicle and said that it appears to be a good alternative with many qualities of a train but at a substantially reduced cost.

MR. PEAKE concurred with comments presented by the Mayor and Councilmembers Bruno and Wallace relative to the fact that if the system does not transport people from point A to point B faster than a car, people are not going to use it. He added that this is the reason behind the recommendation to supplement the Transit Plan and circulators with the regional plan. He stated that with light rail, they are simply looking at the "reservation of corridors" for the potential expansion to light rail. He expressed the opinion, and said he believes he speaks for the entire Transportation Commission when he states this opinion, is that the movement of the City of Chandler to light rail would only be best served once those BRT routes and local circulator routes have been so established and so populated with ridership that there is no other alternative but to establish those routes in a high capital cost fixed-route system. He added that he believes that the plan can be supplemented with the higher technology bus rapid transit vehicles for many years before it reaches the point of saying "this is where we are leaving the tracks for good."

COUNCILMEMBER WALLACE said that she has received a number of calls from retirees in Chandler who no longer drive. She commented on the significant senior citizen population that exists in the City and said they are frustrated with the lack of transit options available to them.

MOVED BY COUNCILMEMBER ANDERSON, SECONDED BY VICE MAYOR HUGGINS, that Resolution No. 3611 be adopted, accepting the High Capacity Transit Major Investment Study and adopting a locally preferred alternative for future development of a High Capacity Transit System.

COUNCILMEMBER WESTBROOKS commented on the contents of the extensive, comprehensive study, which looks at both short and long term needs and addresses not only the internal needs of the City, but the regional needs as well. He asked for input as to what the half-cent sales tax extension would provide the City of Chandler in terms of dollars and transportation improvements.

MAYOR DUNN responded that a Maricopa County-wide vote will be taken to extend the half-cent sales tax. He added that the Transportation Policy Committee has been authorized to develop a plan that will include specific programs for each City. He said that the proposal for Chandler will come before the Council for their review and consideration before it is approved by MAG. He noted that the Maricopa County Board of Supervisors as well as members of the Legislature will

also provide input. The Mayor commented that the plan will be specific and outline project-by-project. He agreed with the importance of providing Chandler voters with accurate, up to date information relative to the plan and the entire process.

MAYOR DUNN said that he believes it has been estimated that the proposed tax extension will generate approximately \$8 to \$9 billion dollars over the 20 to 25 year period and added that the costs associated with the number of projects submitted by each of the cities exceed that amount. He added that priorities will have to be identified.

COUNCILMEMBER WESTBROOKS reiterated the importance of ensuring that the information that is presented to the citizens of Chandler is specific in nature and added that if the sales tax extension is not approved, alternative revenue plans will need to be pursued in order to finance Chandler's specific plans. He asked that the Council be provided information relative to these matters.

MR. PEAKE agreed with the importance of providing citizens with specific, "user friendly" information and noted that if the extension is not approved by the voters of Maricopa County, current bus systems within the City of Chandler would essentially cease to exist and there would be no Dial-A-Ride, local buses, or express buses in place.

MAYOR DUNN requested that the City Manager provide the Council with a summary of what has transpired to date relative to the discussions pertaining to the election that have taken place among the members of the Transportation Policy Committee.

MOTION CARRIED UNANIMOUSLY (7 to 0).

MAYOR DUNN thanked everyone for their input.

PUBLIC HEARINGS:

PH1. Annexation 33 Acres SWC Gilbert and Queen Creek Roads.

MAYOR DUNN declared the public hearing open at 9:42 p.m.

MR. THOMAS RITZ, Planner I, reviewed the annexation request and said that it is to accommodate a mixture of commercial and residential uses at the intersection of Gilbert and Queen Creek Roads. He noted that the property is not within the flight path or within the flood zone.

There were no citizens wishing to speak on this annexation.

MAYOR DUNN declared the public hearing closed at 9:43 p.m.

PH2. Annexation 159 Acres NWC Riggs and Gilbert Roads.

MAYOR DUNN declared the public hearing open at 9:43 p.m.

MR. THOMAS RITZ, Planner I, reviewed the annexation request and said that there is no action to be taken by the City Council at this hearing. He noted that the action will be subsequent to any petition signed by the property owners in the subdivision. He added that questions raised have

been resolved through the improvement financing agreement that has been ratified by City Council. He advised that the annexation is slightly different from the norm in that it is a developed subdivision containing approximately 120 homes currently constructed and about 30 vacant lots on the property. He added that Staff has worked closely with the neighborhood and representatives are present this evening to provide public comment.

KEN McLEOD, 13208 East Victoria, said that he has lived in Circle G in the unincorporated area for two years, the area that currently is being considered for annexation. He stated that he is the newly-elected President of the Homeowners' Association, which is supportive of the proposed annexation, and urged the Council to move forward without delay to annex the property in a timely manner.

DAVID ROER, 24812 South Riggs Ranch Road, the outgoing President of the Circle G Homeowners' Association, stated that he has lived in that community for seven years and has been an attorney in the City of Chandler with an office in the City for approximately 18 years. He said that it appears that residents support the proposed annexation and added that former Mayor and current Senator Jay Tibshraeny is also a property owner in the area and supports the annexation as well as Mr. & Mrs. (Leanne and Trey) Basha. He commented on the fact that 43 units within the subdivision are already part of the City and said that approximately three-quarters of the subdivision remains outside of the City. He spoke in opposition to the "division" that this represents and urged the Council to approve the annexation and unite the community.

HAL LOONEY, 13312 East Vallejo Street, indicated support for the annexation and requested information relative to the process that will be followed. MR. RITZ explained the annexation process that will be followed after the public hearing has taken place and outlined the signature requirements necessary to proceed with the annexation. MR. LOONEY discussed a tragic medical emergency situation involving his son and stated that he looks forward to being a resident of Chandler and benefiting from City of Chandler services.

There were no additional citizens wishing to speak on this item.

MAYOR DUNN thanked the speakers for their input and declared the public hearing closed at 9:55 p.m.

PH3. Annexation 240 Acres NWC Brooks Farm Road and Lindsay Road (or SWC of Ocotillo Road and Lindsay Road.

MAYOR DUNN declared the public hearing open at 9:55 p.m.

MR. THOMAS RITZ, Planner I, reviewed the annexation request and said it is for approximately 240 acres. He noted that the property is not within a flight path and not within a flood zone.

There were no citizens wishing to speak on this annexation.

MAYOR DUNN declared the public hearing closed at 9:56 p.m.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced the opening of ICAN's new building on Saturday at 201 South Washington Street. He commented on the excellent work the organization has been doing for the community's youth and thanked Founder Henry Salinas, Director Trinity Donovan and the entire ICAN Board for their outstanding efforts. He urged them to keep up the good work in the future.

The Mayor also thanked Intel for the company's continued commitment to the community and commented on their plans to reinvest \$2 billion in Chandler's FAB 12. He stated the opinion that their movement in this direction speaks to the company's confidence and optimistic view of Chandler and the high-tech market and thanked the Governor for all of her assistance and support.

MAYOR DUNN stated that the Ostrich Festival will take place from March 7th through the 9th at Tumbleweed Park.

The Mayor announced that a Senior Expo will be held on March 12th from 9 a.m. until Noon at the Community Center. He stated that valuable information relative to a number of services that are available to area seniors would be featured.

MAYOR DUNN reiterated that Fire Station No. 7 opened this last week at Gilbert and Riggs Roads and said that a number of Councilmembers were in attendance.

The Mayor added that a memo was received today regarding a Council decision that was made approximately eight months ago relative to a commitment on the part of the Council to retrofit 130 Police Crown Victoria's in order to enhance officers' safety. He reported that the work will be completed by March 3rd and all the vehicles will contain fuel tank bladders and safety shields.

B. Councilmembers' Announcements:

COUNCILMEMBER ANDERSON congratulated the Chandler Unified School District, particularly Associate Superintendent JOEL WIRTH, on the recent upgrading of their bond rating. He said that Mr. Wirth stated that this speaks to the economic stability of Chandler.

COUNCILMEMBER WALLACE commented that she will not be able to attend the ICAN dedication on Saturday due to a previous commitment. She responded to a comment previously presented by a citizen relative to the Council's attendance at the Mae Jamison luncheon and advised that she was in fact present at that event.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 10:03 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 27th day of February 2003. I further certify that the meeting was duly called and held and that a quorum was present.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, March 13, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Donna Wallace	Councilmember
Phillip Westbrooks	Councilmember

Absent and Excused: Bob Caccamo, Councilmember

Also in attendance:

Donna Dreska	City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Nachie Marquez, Mark Eynatten, Garrett Newland, Pat Walker, Dave Siegel, Doug Ballard, Chief Neuman, Bryan Patterson.

INVOCATION: The invocation was given by Pastor Kevin Hartke, Trinity Christian Fellowship

PLEDGE OF ALLEGIANCE: Boy Scout Troops #185, #886, #882 and #489 led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Proclamation – Cesar Chavez Day of Sacrifice for Others:

MAYOR DUNN requested that ALBERTO ESPARZA and the Boardmembers of Si Se Puede join him at the podium as he read a proclamation in honor of Cesar Chavez Day of Sacrifice for Others and proclaimed March 31, 2003 Cesar Chavez Day in Chandler.

MR. GREG RODRIGUEZ accepted the proclamation and stated that on behalf of the Si Se Puede organization, he would like to thank the members of the Council and the City of Chandler for this honor. He also invited the members of the audience to attend a dinner reception on March 28, 2003 at the San Marcos Hotel. He expressed appreciation to Councilmember Westbrooks for playing a very instrumental role two years ago in the establishment of this important holiday. He also expressed appreciation to Nachie Marquez for her efforts.

MR. ESPARZA also thanked everyone for their efforts and said he looks forward to seeing them at the celebration. He commented that without the Council's support, the event would not take place.

MAYOR DUNN stated that this will be the third annual Cesar Chavez dinner and encouraged everyone to attend and participate in the event. The Mayor thanked the Alberto, Greg and the Si Se Puede organization for their ongoing efforts.

2. Presentation - NLC

MAYOR DUNN requested that COUNCILMEMBER WESTBROOKS, MARY FACHMAN and the members of the Human Relations Commission join him at the podium. He announced that at a recent National League of Cities conference in Washington, D.C., the City of Chandler and the performance of the Human Relations Commission was recognized and honored at this very significant event. The Mayor stated that in 2001, the Human Relations Commissions began a new way to do business with the goal of educating the community regarding the cultural aspects of the City's diverse population. He added that the format shifted from business meetings to public forums, which resulted in increased participation in the meetings and highlighted the awareness of the Commission within the community. He commented that this very definite change was recognized by the National League of Cities, specifically by the National Black Caucus and their elected officials, in their 2003 City Cultural Diversity Awards.

MAYOR DUNN announced that the group recognized the City of Chandler and the entire Human Relations Commission during the 8th Annual Cultural Diversity Awards celebration breakfast and presented to Chandler a Second Place National Cultural Diversity Award that is given to cities with a population of 100,000 to 400,000 citizens. He noted that the City of Chandler tied with Oakland, California and received the runner-up award nationally for the programs that the City does through the Human Relations Commission. He said that he and Councilmember Westbrooks had the pleasure of attending the breakfast and accepting the award and stated that it was truly an honor and the members of the Commission should be extremely proud of their accomplishments.

MAYOR DUNN, presented Ms. Fachman and the members of the Human Relations Commission, including past member Kevin Hartke, with the plaque that they received honoring their work.

MS. FACHMAN, speaking on behalf of the Human Relations Commission, said that it is an honor to accept the award and thanked all of the members for working so diligently to promote diversity within the City of Chandler. She added that the Award will only help assist the members in their continuing efforts to promote respect and inclusion in the City.

3. Earl Brockert – Acceptance of Crosslinked Polyethelene Water Piping

Mr. Brockert was not present to address this agenda item.

UNSCHEDULED PUBLIC APPEARANCES: None.

CONSENT:

MOVED BY COUNCILMEMBER ANDERSON, seconded by VICE MAYOR HUGGINS, to approve the Consent Agenda as presented. MOTION CARRIED UNANIMOUSLY (6 TO 0).

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Special Meeting of February 24, 2003 and the City Council Meeting of February 27, 2003.

2. On the Action Agenda Annexation SWC Ocotillo and McQueen Roads.

3. EASEMENT/SRP: Electrical Facilities at Tumbleweed Park Ordinance #3431

ADOPTED Ordinance No. 3431, granting a no-cost underground power distribution easement to Salt River Project (SRP) for installation and maintenance of electrical facilities in Tumbleweed Park, located near the SWC of McQueen and Germann Roads.

4. CODE AMENDMENT: Technical Design Manual #4/Street Design & Access Control Ordinance #3432

ADOPTED Ordinance No. 3432, amending Subsection 43-5.5 of Section 43-5, Chapter 43 of the City Code regarding Technical Design Manual No. 4: Street Design Access Control, February 2003 Edition, to modify the bus pullout requirements.

5. PRELIMINARY DEVELOPMENT PLAN: Chandler Business Center

APPROVED the Preliminary Development Plan PDP09-0004, Chandler Business Center, for a comprehensive sign package for buildings A/B and C within a commercial center located at 6150 West Chandler Boulevard, on the NWC of Chandler Boulevard and Kyrene Road. (Applicant/Owner: Trammell Crow Company.) In April 2001, the commercial property was granted rezoning approval for a retail, light industrial and office development with Preliminary Development Plan, which designated individual uses for each building.

In September 2002, the property was granted amended zoning to allow retail and showroom uses with warehousing in Building A/B. The 2002 zoning approval included a stipulation that signage on buildings A/B and C required a comprehensive sign package approval through a separate Preliminary Development Plan. This requirement was due to concerns with the massing and design of signage existing on Building D along Chandler Boulevard. The Planning Commission wanted to make sure that signage on the other buildings was architecturally compatible and to scale with the buildings. Signage on Building D has since been modified to provide greater separation between business signs. In accordance with this provision, the applicant submitted a sign package for the two buildings. Staff and the Planning Commission recommended approval subject to the following conditions:

1. Development shall be in substantial conformance with the development booklets entitled "Chandler Business Center Master Sign Program," kept on file in the City of Chandler Planning Services Division, in File No. PDP03-0004, except as modified by condition herein.
2. No raceways allowed.

6. HOUSING: Subordination of Lien on 899 West Del Rio Street (Ibarra)

APPROVED a request to subordinate the Downpayment Assistance Lien on the property located at 899 West Del Rio Street, as recommended by Staff. The single family, owner-occupied home was purchased with assistance from the City's Downpayment Assistance Program in October 2000. A lien was placed against the property by the City in the amount of \$5,700.00. This lien is in the form of a 10-year forgivable loan with the balance currently at \$4,617.00.

The owner is in the process of refinancing their first mortgage to take advantage of lower interest rates. The total amount of the new loan will be \$113,636.00. There will be no cash out to the owner. In order to obtain the loan, a subordination of the City's lien is required by the lending institution. The property has been appraised at \$125,000.00. The City's lien is currently in

second position and will remain in second position after the new loan. Both liens would be within 110% loan to value per program guidelines.

7. HOUSING: Subordination of Lien on 1377 West Linda Lane (Garcia)

APPROVED a request to subordinate the Downpayment Assistance Lien on the property located at 1377 West Linda Lane, as recommended by Staff. The single family, owner-occupied home was purchased with assistance from the City's Downpayment Assistance Program in July 2001. A lien was placed against the property by the City in the amount of \$5,000.00. This lien is in the form of a 10-year forgivable loan with the balance currently at \$4,000.00.

The owner is in the process of refinancing their first mortgage to take advantage of lower interest rates. The total amount of the new loan would be \$109,500.00. There will be no cash out to the owner. In order to obtain the loan, a subordination of the City's lien is required by the lending institution. The property has been appraised at \$125,000.00. The City's lien is currently in second position and will remain in second position after the new loan. Both liens would be within 110% loan to value per program guidelines.

8. HOUSING: 700 North Colorado Street (Bond)

APPROVED a request to subordinate the Housing Rehabilitation Lien on Project #98-8-3 located at 700 North Colorado Street, as recommended by Staff. The single family, owner-occupied home was rehabilitated under the City of Chandler's Housing Rehabilitation Program in 1999. The City placed a lien against the property for \$16,419.00. This lien is in the form of a 10-year repayable loan with the balance currently at approximately \$14,366.40.

The owner has applied for a loan to refinance his current first mortgage in order to reduce his monthly payment. The total amount of the new loan would be \$80,128.00. In order to obtain the loan, a subordination of the City's lien is required by the lending institution. The City's lien is currently in second position and would remain in second position after the new loan. The property is valued at approximately \$90,000.00. The combined encumbrances would fall within the allowed 110% Loan to Value ratio.

9. HOUSING: 843 East Commonwealth Place (Washburn)

APPROVED a request to subordinate the Housing Rehabilitation Lien on Project #90-11-3 located at 843 East Commonwealth Place, as recommended by Staff. The single family, owner-occupied home was rehabilitated under the City of Chandler's Housing Rehabilitation Program in 1994. A lien was placed against the property by the City in the amount of \$24,430.00. This lien is in the form of a 10-year forgivable loan with the current balance at \$4,886.00.

The owner is in the process of obtaining a secured loan in order to consolidate debts and do further home improvements. The total amount of the new loan would be \$25,000.00. In order to obtain the loan, a subordination of the City's lien is required by the lending institution. The owners have paid off their first mortgage which was in place at the time of rehabilitation. At that time, the City's lien was in second position and is now in first position. After the new loan is secured, the City's lien would again be in second position. The property has an appraised value of \$96,000.00, which is more than the combined encumbrances of the City's lien and the new first mortgage.

10. GRANT: Downtown Improvement Fund/Schliening's Bakery & Deli

APPROVED, as recommended by Staff, the award of a Downtown Improvement Fund matching grant to Steven Schliening, dba Schliening's Bakery & Deli, for the purpose of construction of tenant improvements for property located at 40 South San Marcos Place, in an amount not to exceed \$35,000.00. The City created the Downtown Improvement Fund (DIF) for the purpose of encouraging investment in Historic Downtown Chandler by viable retail and restaurant businesses that will generate employment and complement the current business mix. Specifically, the aforementioned funds are to be used to reimburse the property or business owner for up to \$35,000 or half of the costs, whichever is less, associated with the necessary tenant improvements to renovate the space for the specified retail or restaurant use in the Downtown Improvement Fund Target area.

Schliening's Bakery & Deli is leasing 2,000 square feet of space located at 40 South San Marcos Place and intends to construct tenant improvements for that space. The owners have asked for City participation in the construction of tenant improvements for the bakery and deli using existing DIF matching grant funds. Staff recommended using existing DIF funds to accomplish the renovation of the interior of this building. Total costs for the tenant improvements are estimated at \$72,500. Staff recommended that an amount not to exceed \$35,000 be granted for reimbursement of tenant improvement costs to the owner upon completion of the project and receipt of Certificate of Occupancy and confirmation by Staff of tenant improvement costs to meet the requirements of the DIF program.

11. DOWNTOWN SIGNAGE: Illuminated Copper Signs/Historic Downtown Chandler

COUNCILMEMBER BRUNO thanked CLAUDIA WHITEHEAD for all of her hard work in connection with the signs and stated the opinion that they will be a very positive addition to historic downtown Chandler. Additional discussion ensued relative to the sign lettering and Ms. Whitehead advised that the copper signs will be produced and erected in approximately eight to ten weeks.

APPROVED, as recommended by Staff, the design and installation of new Historic Downtown Chandler directional signage, including six (6) illuminated copper signs with poles and 21 non-illuminated directional signs, to be placed throughout the community at key intersections and in the immediate Historic Downtown Chandler area. Directional signage was first designed and installed for Historic Downtown Chandler in the fall of 2001. After the installation of these signs, there were concerns expressed regarding the visibility of the signs. As a result, a new design has been created for Historic Downtown Chandler and two types of signs have been designed.

Prototypes of these signs were installed along Arizona Avenue in front of the Chandler Center for the Arts to gauge their visibility and functionality. Staff met with the Council Subcommittee on Human Resources, Finance and Economic Development on January 13, 2003 to discuss the directional signage project. As a result of suggestions from the Council Subcommittee, residents and Staff, several modifications will be made. The lead-time for the production of these signs and poles for the illuminated copper signs is 10 weeks and installation will immediately follow production. The projected cost for the production of the 27 directional signs, 6 light poles and installation is not to exceed \$50,000.00. The signage has been designed to identify the area as historic and function to direct visitors and residents to this destination of unique shops, galleries and restaurants where Chandler's history began in 1912.

12. ENGINEERING SERVICES CONTRACT AMEND #2: Chandler Fashion Center Transit Station

In response to a question from Mayor Dunn, Assistant Public Works Director DAN COOK explained that the additional design services will include a vendor storage building, larger transit shelters and grading modifications. Mayor Dunn also asked what plans were in place in terms of crosswalks/ramps in order to meet ADA requirements and provide access. Mr. Cook responded that at the main entry, off of Frye Road, just east of the transit station, crosswalks that extend into the restaurant area (back of the mall area) will be constructed. He noted that this will be the primary ADA accessible route and added that another option is being developed that will go in around the other side of the theatres. Mayor Dunn expressed concerns relative to signage requirements and the possible placement of an additional crosswalk in an effort to provide clear-cut, easy access. Mr. Cook indicated Staff's intention to pursue this matter and report back to the Council.

COUNCILMEMBER WALLACE asked whether a possibility exists to place yellow blinking lights, which can be activated by the push of a button, at the crosswalk. She added the opinion that this feature would be helpful to citizens in wheelchairs as well as children. Mr. Cook advised that the traffic signal at Frye Road will contain a "locked phase" that will be built into that signal and added that efforts will also be expended to locate the other crosswalks as close to stop lights as possible in order to take advantage of added safety measures for the crossing. He noted that Staff will research Councilmember Wallace's suggestion.

MAYOR DUNN commented that he has met with blind users of the transit system as well and stated the opinion that discussions should take place with Westcor relative to the placement of sound indicators in the walk signals in order to enhance the safety of those users. Mr. Cook stated that the types of modifications suggested by Mayor Dunn and Councilmember Wallace are ones that Traffic Engineering Staff would become involved in and indicated that they will pursue those suggestions.

AWARDED an engineering services contract amendment to Entranco for additional design of the Chandler Fashion Center Transit Station, Project No. ST0237-201, in an amount not to exceed \$15,207, as recommended by Staff. The Station will serve transit users going to the mall and to the commercial area south of the mall. This contract amendment is for additional design services to include a vendor storage building, larger transit shelters, and grading modifications to improve accessibility and the aesthetic appearance.

13. ENGINEERING SERVICES CONTRACT: Price House Renovation Project

In response to questions from COUNCILMEMBER BRUNO relative to this agenda item, DEAN SCHIFFERER responded that Phase II will complete the design and construction in and around the property. He explained that at the completion of Phase I, the property will be secure and deterioration prevention will be in place, but the house will not be habitable. He added that Phase II will complete the site and provide parking, lighting, security, restrooms, etc. He said that the line item is for approximately \$330,000 and stated the opinion that the work on Phase II should be able to take place in approximately one year.

MR. SHIFFERER said that public meetings have not yet been scheduled regarding this project and noted that the item currently before the Council represents the first step in the process. He responded to a question from the Mayor relative to the placement of spotlights at the site and explained that they have been experiencing several acts of vandalism. He added that the lights

have helped significantly and efforts will be expended this Spring to conduct meetings and discuss the issue with the neighbors. He said that at that point decorative fencing and other permanent security measures can replace the lights.

AWARDED an engineering services contract to Douglas Architecture and Planning for planning and design services for the Price House Renovation, Project No. PR0212-201, in an amount not to exceed \$43,952, as recommended by Staff. The Price House, located west of the Price Freeway and south of Chandler Boulevard, was constructed in the 1920's and is an example of the Pueblo Revival Architectural Style. This house was owned by Arthur Price, one of Chandler's original pioneers and was given to the City of Chandler by the Price family. The possibility exists that this property may become eligible to be listed on the National Register of Historic Places. The objective of this phase is to restore and stabilize the structure. The facility will not be habitable, even after this design is constructed, due to funding constraints. In order to make the facility habitable, Staff has prepared and submitted a request for Phase II funding as part of the Fiscal Year 03-04 budget process.

14. ENGINEERING SERVICES ANNUAL CONTRACT: Parks/Recreational Facilities Design Services Project - EDAW, Inc.

AWARDED an annual engineering services contract to EDAW, Inc. for Parks and Recreational Facilities Design Services, Project No. EN0305-201, in an amount not to exceed \$1,000,000, as recommended by Staff. Each year the City of Chandler has a number, as well as a variety, of park development projects that require design services. The following projects will be considered for this contract: Ryan Park, Tumbleweed Park Phase 4, Snedigar Sportsplex, Tibshraeny Park and Chuparosa Park Phase 2. It is anticipated that similar design services will be required for these projects with fees less than \$200,000 per project. Under this contract, individual project agreements will be prepared for execution and approval for each specific project. As with all park design projects, public involvement will be included in the process of all the aforementioned projects. Project agreements over \$30,000 will be submitted for Council approval up to the annual aggregate of \$1,000,000 under this contract.

15. CONTRACT EXTENSIONS: Purchase of Plumbing & Irrigation Supplies

APPROVED the extension of contracts numbered WA2-4510-1848 and BF1-5975-1742 for one-year for the purchase of plumbing and irrigation supplies from Ryan Herco; Geo. S. Thompson Co., Inc., Plumbmaster Professional Group, Harrington Industrial Plastics, Inc., Hughes Supply, Inc., and Central Arizona Supply, in a combined amount not to exceed \$120,000. The awards will ensure that the City's plumbing supply needs, utilized by a variety of departments, are met. Products include sprinkler valves and heads, PVC pipe and couplings, toilets, urinals, water heaters, drinking fountains, pumps and metering devices, etc.

In May 2002, the City Council approved the award of contract WA2-4510-1848 and the one-year extension of contract BF1-5975-1742 for the purchase of plumbing and irrigation supplies. Four contractors have agreed to extend the contract without price increases. Hughes Supply is requesting a 3% price increase on two line items. Central Arizona Supply pricing remained the same or was lowered. Staff has monitored the contracts for the past year, is satisfied with the services being provided by all six vendors, and has requested that the price increases be approved and contracts be extended for one year.

16. CONTRACT: Emergency Preparedness Equipment/Weapons of Mass Destruction

MAYOR DUNN requested input from Staff relative to this agenda item and commended Staff on their diligent efforts, which have resulted in the award of three grants to the City of Chandler for funding purposes. Battalion Chief JEFF CLARK addressed the members of the Council and explained that this agenda item represents one grant that the City received in the amount of \$150,000. He said that they went out to bid and three vendors were chosen to supply different portions of those items. He explained that the purchase involves protective equipment for potential chemical and biological preparedness as well as detection equipment and 12-self contained breathing apparatus units for the Police Department's SAU Team. He added that 400 Personal Protective Kits are also being purchased for Police Officers and said that the kits will be kept in the trunks of their vehicles. He stated that nerve agent antidote kits are included in the purchase as well as surplus protective equipment to augment supplies already on hand. Chief Clark noted that there is a balance of \$10,000 that is not accounted for on this agenda item, thanks to a number of cost savings associated with the bidding process. He said that Staff will be going out to bid on some medical mass casualty supplies in the future.

MAYOR DUNN thanked Staff for their efforts and stressed the importance of being prepared on a local as well as regional basis to respond to any type of situation that may arise.

COUNCILMEMBER WALLACE thanked Staff for the extensive information that was provided to her approximately one month ago and added that she has received positive comments and accolades from citizens who have attended the Department's "training sessions." She said that she really appreciates the job they are doing in this very important area and asked Chief Clark to briefly discuss the training program.

CHIEF CLARK provided a brief overview of the Community Emergency Response Team (CERT) and explained that it involves a disaster preparedness program for neighborhoods. He added that it is a "grass roots effort" to prepare neighborhoods to respond during man-made or natural disaster situations when 911 service providers themselves will be overwhelmed. He explained that the training sessions last a total of seven weeks and involve fire suppression, disaster preparedness, medical operations and search and rescue team organization. He reported that to date 191 citizens have graduated from the 10-month old program and announced that there are current openings (participants and providers) for the May class. He encouraged members of the audience, particularly members of the Boy Scout Troops present at the meeting, to share the information they have learned and to participate in this very worthwhile, important program.

AWARDED Bid No. FA3-4240-2006 for emergency preparedness equipment for weapons of mass destruction to Western Glove in the amount of \$14,001.20 and to Aramsco in an amount of \$89,822.86 and approve use of the State of Arizona contract with Motorola for the purchase of radios in the amount of \$36,865.39, for a total purchase of \$140,689.45, as recommended by Staff. The Chandler Fire Department was involved in a Risk Assessment through the State of Arizona in August 2001. This assessment was to identify the preparedness of each city in the event of a Weapons of Mass Destruction incident. The State of Arizona received a \$1.7 million grant from the U.S. Department of Justice Domestic Preparedness Equipment Program Grant Fund in December 2001.

The Chandler Fire Department has attended several meetings since that time held by the State of Arizona to discuss how this grant funding would be dispersed. Additionally, several planning meetings have been held by Maricopa County Emergency Planners to discuss this issue. The

Department has been awarded an additional \$150,000 as part of the final award of the grant to purchase equipment that will enhance preparedness. Of this equipment, Personnel Protective Kits, Weapons of Mass Destruction canister masks and the self-contained breathing apparatus are being purchased from this grant and being assigned to the Police Department to increase personnel safety. The amount requested reflects the Department's initial requirements. The bid included provisions to allow the Department to purchase additional products as needs arise.

17. CONTRACT: Truck Mounted Crane/Water Production Facility

AWARDED Bid No. WA3-3815-1992 for one truck-mounted crane to Cunningham Commercial Vehicles in the amount of \$140,156.45, as recommended by Staff. The Water Production Staff is in need of a truck-mounted crane to remove, reinstall and maintain booster pumps, motors, aerators and other miscellaneous equipment. Currently, the division must rent a crane or hire a contractor in order to complete various projects. The addition of the crane will allow projects to be completed in a more timely manner. The item was an approved budget item in FY 01-02. The amount includes the cost of the truck-mounted crane with a two-man basket and tax.

18. PURCHASE: Two Model 7210 SelfCheck Units/Basha Branch Library

APPROVED the sole source purchase of two model 7210 SelfCheck units from 3M Library Systems in the amount of \$69,333, as recommended by Staff. The purpose of the equipment is for installation at the new Basha Branch Library. This equipment interfaces with the current 3M equipment utilized at all library facilities and supports the Radio Frequency Identification (RFID) technology that will be implemented at the branch. 3M produces and maintains exclusive marketing and sales rights to the Materials Flow Management Systems, which the Chandler Library currently uses at all locations. This technology allows for materials security, the checkout and check-in processes by both staff and customers. The purchase includes one year of hardware and software maintenance, plus installation and represents an 8% discount off list price.

19. PURCHASE: Building Maintenance Repair/Operating Supplies

APPROVED use of the Maricopa County Contract No. 02037-C with Home Depot and Lowe's for the purchase of building maintenance repair and operating supplies in an amount not to exceed \$185,000, as recommended by Staff. City Departments establish Blanket Purchase Orders with Home Depot and Lowe's to purchase miscellaneous building materials and supplies for unforeseen items needed for the day-to-day operation of the City. These items are not purchased on a continuous basis and therefore not feasible to stock in the warehouse. Items include lumber, nails, paints, cement, closet doors, etc. Expenditures for a 12-month period with Home Depot and Lowe's have exceeded the bidding requirements established by the City and therefore require Council approval. The materials will be used by the City's Housing and Redevelopment Staff and other Departments as required. Use of the Maricopa County Contract eliminates the cost of going out for bid and reduces the lead-time in obtaining the products.

20. On the Action Agenda Purchase of Patrol Vehicles

21. USE PERMIT: D. K. Foundation, Inc.

APPROVED THE WITHDRAWAL of a request for a Use Permit (UP02-0066 D. K. Foundation, Inc.) for a group home to be located within a single-family residence at 795 West Park Avenue.

(Applicant: Derek Kennard; Owners: Derek & Denise Kennard.) The applicant requested that this be withdrawn.

22. LIQUOR LICENSE: Springfield Grill

APPROVED a request for a City of Chandler Series 7 Beer and Wine Bar License (#300000562) and that a request for approval of State Liquor License No. 07070624, for Fadi H. Gebara, Agent, Gebara, Mansour & Fadi, dba Springfield Grill, at 1200 East St. Andrews Boulevard, #A, be forwarded to the State Department of Liquor Licenses and Control. This application reflects a transfer of a Series 7 Beer and Wine Bar License. When the Springfield Golf Resort opened, two liquor licenses were issued. A Series 12 Restaurant Liquor License was issued for the operation of the clubhouse and a Series 7 Beer and Wine Bar Liquor License was issued for the roving liquor service on the golf course. In August 2002, the applicant became the operator of the clubhouse, Springfield Grill, and obtained a new Series 12 Liquor License. The ownership of the golf course recently changed and the applicant will now take over the operation of the liquor service on the golf course. Planning and Development advised that a new Use Permit is not required since this will be a continuation of the location's previous use as Springfield Golf Resort.

The Police Department reported no objections to the request and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. With a Series 7 Beer and Wine Bar Liquor License, the business may sell beer and wine only for on or off premise consumption.

23. LIQUOR LICENSE: Marvos

APPROVED a request for a City of Chandler Series 12 Restaurant Liquor License (#300000560) and that a request for approval of State Liquor License No. 12075390, for H. J. Lewkowitz, Agent, Devries Restaurants LLC, dba Marvos, at 3163 West Chandler Boulevard, Suite 1, be forwarded to the State Department of Liquor Licenses and Control. The Police Department reported no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. With a Series 12 Restaurant Liquor License, the business may sell all liquors for on premise consumption only, with a minimum of 40% of the gross receipts from the sale of food. Planning and Development advised that a new Use Permit was not required since this will be a continuation of the location's previous use as Big City Grill.

24. WORKER'S COMPENSATION COVERAGE: Defining Volunteers Entitled to Worker's
Comp. Coverage & Nature/Type of Work Covered Res. 3613

ADOPTED Resolution No. 3613, defining all City volunteers as those entitled to Worker's Compensation Coverage pursuant to A.R.S. 23-901.06 and defining the nature and type of volunteer work covered, as recommended by Staff. Arizona law authorizes governmental agencies to provide volunteers with those worker's compensation benefits described in the above listed A.R.S. statute. The City Council adopted a Resolution in February 1987 to provide such coverage. However, State law requires that the Resolution define the nature and type of volunteer work and the volunteers entitled to benefits. The number and activities of volunteers has changed since the adoption of the 1987 Resolution and it is necessary to adopt a new Resolution with more specific descriptions of the nature and type of volunteer work. Volunteers in the City of Chandler perform numerous functions and are used in almost every department. Almost 1500 volunteers performed services for the City during the last quarter of 2002.

25. On the Action Agenda Development Plan/McQueen Village Square

26. COUNCIL AUTHORIZATION: Super Bowl XLII Letter of Support

APPROVED the submission of a Letter of Support for the Super Bowl XLII, as recommended by Staff. The City of Chandler received a request from Tempe Mayor Neil Giuliano asking that the City Council approve a resolution in support of the Valley's new bid to bring the Super Bowl back to Arizona in 2008-2009. The Cities of Scottsdale and Mesa opted to submit a Letter of Support in place of the requested resolution and Staff recommended that the City of Chandler also forward a letter of support to the City of Tempe.

MOVED BY COUNCILMEMBER ANDERSON, SECONDED BY VICE MAYOR HUGGINS, that the Consent Agenda be approved as presented. MOTION CARRIED UNANIMOUSLY by those present (6 TO 0).

ACTION AGENDA:

25. DEVELOPMENT PLAN: McQueen Village Square Ordinance No. 3433

Planner I JODIE NOVAK explained that this is a request to introduce and tentatively approve Ordinance No. 3433, DVR02-0035, McQueen Village Square, rezoning from AG-1 to PAD for commercial C-2 uses only (Walgreen's Store, retail shops and a bank PAD) along with a Preliminary Development Plan for an approximate 5 acre parcel located at the SWC of Ocotillo and McQueen Roads. (Applicant: Ed Bull, Burch & Cracchiolo for Evergreen Devco, Inc.; Owners: Denise and Ann Barr, Mary B. Carthway, Clifford and Patty Renoll, and Floyd Thompson.) She noted that Staff has recommended denial of the request and added that the property is 5 acres in size and is part of a larger 40-acre existing County island at this location. She noted that a pre-annexation agreement running concurrently for the 5 acres is also on the Council's agenda for consideration this evening.

MS. NOVAK noted that the property is part of the City's Southeast Chandler Area Plan, adopted in September of 1999, which designated the 40-acre County island as Rural Agrarian Character. She explained that this designation is characterized by existing rural/agrarian developments. The Area Plan, in conformance with the City's General Plan Land Use Element, identifies five commercial nodes, which influence the type and intensity of commercial development that may occur. She noted that the proposed commercial development is not located within a designated commercial node. She added, however, that the Southeast Chandler Area Plan does allow commercial development outside of designated commercial nodes when the development satisfies certain guidelines. She noted that the guidelines include smaller commercial centers that may be integrated with, not segregated from, neighborhoods and designed on a cluster or village-type scale, providing services in a rural setting. She added that if there are multiple buildings within a single project, they must demonstrate a positive functional relationship with one another. She emphasized that multiple buildings should be clustered to achieve a "village" scale.

MS. NOVAK also pointed out that the proposed development does incorporate a number of Southeast Chandler Area Plan elements, but added that the site layout is traditional in nature and does not achieve a "village" or cluster design as recommended by the Area Plan. She reiterated that Staff recommends denial of the request based on their opinion that the proposal is inconsistent with the Southeast Chandler Area Plan. She added that the proposed 5-acre commercial site may be viewed as a continuation of some of the existing commercial uses that exist at the intersection of the NEC, that contains the Safeway Center as part of the Lantana

Ranch Marketplace development. She also noted that the SEC is designated for future commercial uses and explained that the request was received prior to the adoption of the Southeast Chandler Area Plan.

MS. NOVAK informed the members of the Council that Staff believes the proposed site layout and the building orientation should be clustered, creating more of a "village" design and noted that the positioning of the buildings is more in question than anything else. She added Staff's opinion that the guidelines contained in the Southeast Chandler Area Plan are not being met and stressed the importance of remaining more compatible with the adjacent rural residential developments. She noted Staff's opinion that the proposed 5 acres potentially in the future could bring about the question of what will happen with the remaining 35 acres in the County island that is still designated in the Area Plan for Rural/Agrarian type of uses.

MAYOR DUNN noted that Staff's opinion is that the proposal is inconsistent with the General Plan and the Southeast Chandler Area Plan, while members of the Planning and Zoning Commission believe that the proposal is in fact consistent with both Plans. Ms. Novak confirmed the Mayor's statement and added that the Planning Commission forwarded a recommendation for approval to the Council (with one member in opposition). Ms. Novak commented on the fact that the applicant has demonstrated a willingness to provide a large number of enhanced design elements, both architecturally and site design wise to the project, and complemented them on the great work they have done in this area. She added, however, that what Staff would like to see from a design layout perspective in Southeast Chandler, for these types of smaller parcels, is not being accomplished through this plan.

In response to a question from VICE MAYOR HUGGINS relative to the proposal's proximity to the landfill and whether allowing this project to go forth would encourage additional development, Ms. Novak commented that the Planning Division would evaluate this issue in the future should other perspective developers come forward with plans to purchase any of the property remaining within the 35-acre parcel, in order to determine what would eventually occur on that site. She noted that the Southeast Chandler Area Plan seeks to maintain a rural suburban character to complement rural ranchette-type uses that are occurring. She added that land use compatibility issues would be reviewed.

Planning and Development Director DOUG BALLARD stated the opinion that the proposed development would not negatively impact future development and agreed with the Vice Mayor's comment that because of the property's close proximity to the landfill, the proposed development might positively impact and attract future development.

Discussion ensued relative to Staff's preference that a cluster-type, "village" development occur on the site and that the plan create a "pedestrian friendly" atmosphere and contain common open spaces for people to gather; the fact that the intent is not to separate buildings by drive aisles or parking areas, but rather to manipulate and orient the buildings closer together, creating an improved functional relationship, functional courtyards that break up building masses, the fact that the proposal did go through the Design Review process and the fact that members addressed additional landscaping, the design of the perimeter walls, accentuating and redesigning a number of pedestrian areas as well as some of the building's architectural elements.

MS. NOVAK responded to a question from COUNCILMEMBER WESTBROOKS and stated that as part of the Design Review process, the applicant made a lot of changes and came up with a number of alternative designs from a streetscape perspective, but said that in terms of Planning

Staff's expectations for the proposal to take on more of a "village" type cluster-atmosphere, no changes were made.

COUNCILMEMBER WESTBROOKS noted that the proposal appears to attempt to create pedestrian access between the buildings. Ms. Novak commented that although some effort has been expended, the overall proposal does not meet Staff's expectations or the intent of the Area Plan. She advised that neighborhood notification took place as part of the overall process and neighborhood meetings were conducted. He reported that the tone of the neighborhood meeting was positive and although the residents asked for and received information relative to a number of issues related to the overall project, no major concerns were expressed. She added that Staff is not aware of any neighborhood opposition to the project.

COUNCILMEMBER ANDERSON commented on the opposing recommendations that have been forwarded to the Council by Staff and the members of the Planning Commission and asked whether Staff was unanimous in their opposition. MR. BALLARD stated the opinion that the split recommendations that have come forward from Staff and Planning and Zoning attests to the applicant's efforts to address some of the concerns that were expressed by Staff. He added that Staff believes that the changes were not significant enough but Planning and Zoning felt the effort and revised plan warranted approval. He stated the opinion that on balance the proposal represents a fairly well designed project.

COUNCILMEMBER BRUNO said that she is aware of one drugstore located on McQueen and Riggs Roads and asked whether there were other such stores in or planned within a two-mile radius of the proposal. MS. NOVAK responded that as far as "free-standing" drugstores, the McQueen & Riggs Road store currently exists and heading north on McQueen, in Hamstra Square, another one exists. She added that Gilbert Road and Arizona Avenue are predominantly the commercial nodes within the Southeast Chandler Area Plan and some of the commercial that exists there went in before the Area Plan was adopted. She also noted the location of a Safeway on the NEC of the intersection and said that she believes that store contains a pharmacy as well.

In response to a question from COUNCILMEMBER BRUNO, Ms. Novak stated that the applicant and Walgreen's Corporation submitted market studies that were used to evaluate the necessity of the drugstore in that area. She said that Staff felt that the proposed use at that intersection was compatible with the area and was warranted by the demographics.

MOVED BY COUNCILMEMBER ANDERSON, SECONDED BY VICE MAYOR HUGGINS, that Ordinance No. 3433 approving zoning request DVR02-0035, McQueen Village Square, be introduced and tentatively approved, subject to the recommendations and conditions outlined by the members of the Planning and Zoning Commission.

MAYOR DUNN requested that the applicant provide input at this time.

ED BULL, 702 East Osborn, Phoenix, addressed the Council relative to this agenda item.

VICE MAYOR HUGGINS referred to Stipulation No. 17 contained in the Ordinance (East elevation of the Shops pad to have no more than two signs on parapet wall) and asked whether he felt this stipulation would negatively impact the marketability of the project. Mr. Bull responded that they believe it will negatively impact the project and referred to a letter recently submitted to the Council, which contained concerns relative to that specific stipulation. He said that they requested in that letter that Stipulation No. 17 be deleted or that the word "east" be changed to "north." He noted that the particular signage under discussion has to do with the little "shops"

building, which is separated from the street by significant landscaping. He referred to a chart depicting the building's east elevation and said that they anticipate that the building will have two and maybe three tenants and noted that this is the only building frontage where signs can be located and can be seen by traffic northbound on McQueen.

MR. BULL requested that Stipulation No. 17 be deleted and that up to three signs be allowed should three tenants occupy that building. He said that another option may be to change the word "east" to "north" in that Stipulation and said that they could live with that change as well. He stressed the importance of signage that can be seen for the small shops in the small building, located behind significant landscaping, in order to ensure the businesses' economic viability.

VICE MAYOR HUGGINS asked COUNCILMEMBER ANDERSON whether he would consider amending the motion to delete Stipulation No. 17. COUNCILMEMBER ANDERSON agreed to amend the motion as recommended by the Vice Mayor.

In response to a question from the Mayor, MS. NOVAK stated that all of the applicant's proposed signs comply with the City's Sign Code.

MAYOR DUNN said that he understands that if the building contains only two tenants, two signs would be sufficient and asked Mr. Bull to comment on this point. Mr. Bull concurred that in the case referred to by the Mayor, only two signs would be needed. He noted that the building is only 4,000 square feet in size and added that the tenants will be small. He commented that Evergreen Devco anticipates that the building will contain three tenants. He added that should the building only be occupied by two tenants, only two signs would be erected.

COUNCILMEMBER BRUNO expressed concerns relative to remaining consistent with the conditions outlined in the Sign Code, particularly when it comes to new developments. She stated the opinion that the overall issue of signage should be re-addressed. She added that she is concerned that a precedent will be set and noted that caution must be exercised in situations such as this. MR. BALLARD commented that #17 is an additional restriction placed on this particular building when the Planning and Zoning Commission developed their recommendations. He added that the signs as presented will conform to the City's Sign Code.

MS. NOVAK explained that when the members of the Planning Commission were looking into redesigning the side elevations of this building along the street, they were evaluating signage in terms of where residential development was located and the height of the building in relationship to that and limiting the amount of signage located along the streetscape. She said that they also decided to add some architectural elements to the building and wanted to ensure that signage did not "detract" from those elements.

MR. BULL commented that nothing but landscaping exists between the "shops" building and the street and noted the challenges that this situation presented. He said that when the east elevation proposal was developed, Staff and even the members of the Planning Commission were supportive of the "green screen" concept and the east elevation proposal. He explained that the members were also reviewing in great detail the project's significant architectural elements and said that when a motion was made to recommend approval to the Council, Commissioner Irby presented an amendment to limit the number of signs on the east elevation of the building to two signs. He reported that the motion was approved.

MR. BULL said that with Commissioner Irby's permission, he would like to state at this time that after the hearing he and Commissioner Irby talked about the amendment and he indicated that he

personally (Mr. Bull emphasized that he said he could not speak on behalf of the entire Commission) would not have a problem with deleting Stipulation No. 17 or amending it because in reflection, he recognized the fact that this is the only side of the building that has visibility for northbound traffic on McQueen Road. Mr. Bull noted that he has never before divulged this conversation because the Commission's action was the Commission's action, but he believes it is important for the members of the Council at this time to be aware of that conversation. He emphasized that if three tenants occupy the building, each of those tenants need to be able to display a sign to identify their presence and ensure their economic viability. He also reported that a total of 35 upgrades were made to the project and highlighted a number of those upgrades for the benefit of the Council. He stated the opinion that Stipulation #17 would negatively impact the businesses in the small building and should be eliminated.

In response to a question from the Mayor, MR. BULL commented that typical uses for that building would include a sandwich, coffee or bagel shop, and perhaps a small office. He emphasized that there will not be any fast food restaurants or drive-through businesses located at that site. He thanked the members of the Council for their consideration in this matter.

COUNCILMEMBER BRUNO asked Mr. Bull, if he felt this project was representative of the Southeast Chandler Area Plan, as he had served on the Committee that drafted the document. MR. BULL replied that he felt the project reflected the design characteristics that are indicated in the Plan and taking into consideration the size of the site and the attempts to create a pedestrian friendly "village" concept.

MAYOR DUNN asked whether any members of the audience wished to speak at this time and none came forward. The Mayor added that the motion is to tentatively introduce and approve Ordinance No. 3433, based on the elimination of Stipulation No. 17, and subject to all of the remaining 16 conditions and stipulations outlined in the Ordinance.

MOTION CARRIED UNANIMOUSLY by those present (6 TO 0).

MAYOR DUNN thanked Staff and Mr. Bull for their hard work and also expressed appreciation to the members of the Planning and Zoning Commission for their continuing efforts and contributions to the City of Chandler.

2. ANNEXATION: SWC of Ocotillo and McQueen Roads Ordinance No. 3426

Planner I THOMAS RITZ, informed the Council that this is the second reading of the annexation ordinance for the property the Council just considered from a zoning perspective. He explained that the annexation agreement has been placed on this agenda to follow the approval of the zoning request. He said that the Council will vote on the final outcome of annexation issue at this time.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY VICE MAYOR HUGGINS, that final adoption of Ordinance #3426 for the annexation of approximately 7 acres of property located at the SWC of Ocotillo and McQueen Roads be approved.

There were no citizens present wishing to speak on this annexation.

MOTION CARRIED UNANIMOUSLY by those present (6 to 0).

20. PURCHASE: Patrol Vehicles

POLICE CHIEF NEUMAN addressed the Council relative to this agenda item.

MAYOR DUNN commented on the fact that an issue exists regarding the Crown Victoria vehicles and said that when this issue was previously raised, a committee was appointed to look into the vehicles that the Police Department uses and believes they have a right to use in carrying out their patrol responsibilities. He said that it is his understanding that support exists for continuing to use Ford Crown Victoria vehicles and that a recommendation was forwarded by the members of the Committee recommending continued use as well. He noted that at the same time, the Department has indicated a willingness to try an alternative vehicle (Tahoe's) and therefore some of those vehicles are being purchased as well in order for the Department to test them and gauge their performance and effectiveness in terms of patrol duties.

MAYOR DUNN also emphasized that all of the Crown Victoria vehicles purchased will be retrofitted to the standards set by the Council to ensure that the safety of Chandler's Police Officers is upheld. He added that the standards exceed those set by any other community and include full shielding that is now being provided by Ford Motor Company, as well as a provision for fuel bladder tanks.

In response to a question from COUNCILMEMBER ANDERSON, Chief Neuman advised that the Department of Public Safety recently purchased approximately 190 Crown Victoria's and said that he is not aware of any reservations that surround that purchase.

COUNCILMEMBER WALLACE requested that Chief Neuman provide a brief overview of the Committee process that he participated in so that the citizens of Chandler will get a better picture of this issue as well as the composition of the Committee and their findings.

CHIEF NEUMAN provided a brief overview of the history surrounding this issue and stated that on June 12, 2002, Officer Nielsen's life was lost as a result of a tragic traffic accident. He said that shortly after that time, a Committee was formed, made up of patrol officers, a couple of supervisors, and Fleet Services personnel. He noted that the officers included a good cross section of officers throughout the Department who used and continue to date to use Crown Victoria Police cruisers. He advised that the Committee met for the first time on July 17th and began researching alternative vehicle options, since the Attorney General's Office had requested that the Departments cease purchasing Crown Victoria vehicles through the State Contract until safety issues had been addressed by Ford Motor Company and resolved to everyone's satisfaction. He stated that several different options were explored, including the purchase of vehicles that include the Chevrolet Impala, and the Dodge Intrepid.

CHIEF NEUMAN added that the Chevrolet Tahoe, Ford Expedition, and the Ford Explorer were also reviewed. He commented on the criteria included in the research evaluation, including engine size, drive train options, maintenance, performance, the need for high amperage output alternators due to the extensive equipment contained in the vehicles, chassis, crash test data, performance, vehicle standards, and a wide range of additional criteria. He stated that throughout the meetings, the Committee also looked into compressed natural gas (CNG) vehicles and concerns related to those types of vehicles including the lack of fueling stations that currently exist within the City of Chandler as well as significant costs associated with the installation of fuel sites.

CHIEF NEUMAN discussed a safety device known as a fuel tank bladder, which is designed to lessen the likelihood of fuel tank ruptures. He noted that a fuel tank containing a bladder is

available in the Chambers for the members to look at. He commented that the device was used in racecars before being suggested for use in Police patrol vehicles. He said that as approval came forward to purchase and install the bladders, the effort proceeded without delay in September of 2002. He reported that the cost of a fuel tank bladder is approximately \$1495 with an additional \$150 installation cost. He reported that on September 30, 2002, the Attorney General's office lifted the ban on utilizing the State Contract for the purchase of Ford Crown Victoria Police patrol vehicles and emphasized that this occurred after Ford Motor Company performed research and corrected a number of safety concerns that were identified. He explained that the Company ended up supplying owners of Crown Victoria vehicles shields for the undercarriage and noted that a potential had existed in that area for fuel tank punctures to occur and the shielding kits were developed to prevent this from occurring. He added that gas tank straps were also provided to enhance safety.

CHIEF NEUMAN noted that the Committee met four times between July and October and said that after each meeting the members went back to their teams and their peers in an effort to solicit input. He stated that after reviewing all available information, the Committee recommended continuing the use of Crown Victoria's outfitted with all of the safety measures listed above for Police patrol vehicle operations. He stated that the Committee also recommended that Chevrolet Tahoes be purchased and their performance evaluated in an effort to identify alternative vehicles that may be used for Police patrol purposes. He noted that the recommendation included the installation of fuel bladders in the Tahoes as well, in order to enhance the safety of all officers in the field. He reported that Staff continues to monitor the safety of the Crown Victoria vehicles and is looking into another safety device, known as a fire panel, in an effort to determine whether the equipment will provide enhanced safety for Chandler's officers. He indicated Staff's intention to continue to investigate this and any other safety measure that arises and report their findings to the Council. CHIEF NEUMAN informed the members of the Council that all of the Department's patrol vehicles now contain the fuel bladders.

In response to a question from COUNCILMEMBER BRUNO, Chief Neuman reported that the Tahoe's are two-wheel drive vehicles. She commented on rollover statistics associated with the Tahoe's and asked whether that information has been evaluated in comparison with other Sport Utility Vehicles (SUVs).

Police Lieutenant ED UPSHAW, who served as a member of the Committee, responded that another member of the Committee who is also a member of the K-9 Unit, had experience utilizing Chevy Tahoe's as well as other members of the Department who drive them as personal vehicles and their input was considered. He added that rollover potential was not discussed and noted that at the time, the members did not believe that they were going to be able to use Crown Victorias again and were attempting to identify a SUV that would be appropriate for a variety of Department uses.

MAYOR DUNN asked whether other Police Departments currently utilize Tahoes and Lt. Upshaw stated that the vehicles are in use within other Police and Fire Departments.

In response to a request from COUNCILMEMBER BRUNO, Chief Neuman explained that if approved, ten Tahoes will be purchased and disbursed for different uses, two to the K-9 Unit, four will be utilized as patrol units, two will be assigned to Lieutenants and be equipped as mobile field command posts and the remaining two units will be assigned to Sergeants and will contain specialized equipment such as shields, batons and those types of things. He emphasized that the Tahoes will be continually tested and evaluated to ensure that their performance is of the highest standard and that they provide optimum safety to all users.

Management Services Director PAT WALKER responded to a question from COUNCILMEMBER BRUNO and stated that funding for all of the vehicles will be taken out of the capital replacement fund and the payment for the vehicles comes out of the Department, whether they are new or replacement vehicles.

In response to a question from Councilmember Bruno, CHIEF NEUMAN commented that it will be up to the dealerships themselves to decide whether or not to pursue the development of alternate vehicles for police patrol purposes and enter the police vehicle market.

VICE MAYOR HUGGINS commented on safety hazards associated with motorcycle and bicycle officers' modes of transportation as well and suggested that thought be given to pursuing safer uniforms for those officers that would provide increased protection in case of accidents. CHIEF NEUMAN indicated his intention to look into this matter and report his findings to the Council.

COUNCILMEMBER WESTBROOKS asked whether the manufacturer has looked into changing the location of the actual gas tank. CHIEF NEUMAN responded that it is his understanding that the issue is being looked at and that changes are being considered relative to moving some of the components on the Crown Victoria vehicles.

Fleet Officer MANNY CHAVEZ addressed the question that was posed by Councilmember Bruno relative to Chevy Tahoe rollover statistics/ratings. He explained that the type of Tahoe the Department is looking into is a specialty services vehicle and added that the Tahoes would not be used as pursuit vehicles the way Crown Victorias are used. He noted that as far as specialty services go, the Tahoe has a much better rating than the vehicles that can be purchased by the motoring public as family units. He briefly commented on the enhancements the specialty vehicles contain.

OFFICER CHAVEZ also responded to Councilmember Westbrook's question and said that in the past, Chevrolet manufactured a Police pursuit vehicle and within the last two years has introduced the Impala into the Police field. He added the opinion that in the future Chevrolet will once again become involved and build a larger scale car much like the Crown Victoria. He added that at this time there is no redesign in Ford's 2002 models, however, special changes have been made to the 2003 models to enhance safety.

COUNCILMEMBER WESTBROOKS indicated that he would like to view the fuel bladder and also requested that Staff point out exactly where the bladders are located inside the tanks. He added that he would also like to look at the "shielding" that has been discussed at this meeting.

OFFICER CHAVEZ said that some misunderstanding exists regarding the "shielding" and noted that there are other fire suppression measures being designed and manufactured. He provided an overview and explanation of current and new safety equipment and their location in the vehicles for the benefit of the Council.

COUNCILMEMBER WESTBROOKS commented on the fact that discussions took place with the City's Congressmen at the National League of Cities conference in Washington relative to the testing of these vehicles and the fact that Ford itself is currently conducting a majority of the tests. He added that the discussions involved the importance of ensuring that "unbiased" testing be undertaken by an outside agency. He asked whether this issue was discussed by the members of the Committee.

OFFICER CHAVEZ stated that he had been asked to look into some of the available crash test data and reported that Ford Motor Company does not solely conduct its own crash analysis, the National Highway Transportation Safety Administration also prepares crash data on all vehicles. He said that he has reviewed some of the statistics that they have released and reported that the Crown Victoria still remains equal or higher rated than many of the competitors. He added that some of the impact testing that they have conducted has been at 30 to 35 miles-per-hour and noted that very few testing facilities crash test their vehicles at speeds much more than 50 miles-per-hour.

COUNCILMEMBER WESTBROOKS commented on the fact that few alternative options exist but said that he is pleased to see that a number of new safety precautions have been developed. He thanked Officer Chavez for the demonstration and for his input.

COUNCILMEMBER BRUNO also thanked Officer Chavez for responding to her questions. She expressed concerns relative to officer safety and noted that although she supports the use of the Tahoe's, she does not support the use of the Crown Victorias and will not vote in favor of their purchase. She also commented on the fact that the proposal is to purchase the vehicles under the State contract and indicated concerns relative to not purchasing the vehicles from local dealerships despite the fact that incentives are received as a result of utilizing the State contract.

Purchasing Manager ROBERT DESCHEEMAKER addressed the Council relative to the point raised by Councilmember Bruno, purchasing the vehicles under the State contract. He stated that the volume of the State's procurement contract provides the City of Chandler and other cities/entities who use the contract with maximum incentives at the lowest possible cost. He indicated Staff's willingness to abide by whatever purchasing direction is provided by the Council but emphasized that from a cost/incentive perspective, use of the State contract is definitely the best manner in which to proceed. He also commented on timing issues and bidding regulations, and again stated the opinion that use of the State contract was the appropriate and most beneficial way to proceed.

ANN MARIE NIELSEN, the wife of Officer Nielsen, who lost his life in a tragic vehicle accident which took place on June 12, 2002, stated that she is present to speak in support of the Police Department's efforts relative to vehicle safety issues. She thanked everyone for their kind support and said that she was thrilled when the Council unanimously approved the purchase of additional of fuel safe bladder tanks in all Police vehicles in order to enhance officer safety. She also thanked everyone for their efforts in this regard that were demonstrated during the National League of Cities Conference in Washington. She indicated her intention to discuss the fire panel that was previously mentioned but said that first she would like to point out that the parts the Council has been shown this evening represent a \$5 band aid fix on the part of Ford Motor Company. She noted that Officer Metzler in Dallas, Texas, had those parts installed on his vehicle and they did not work and he was burned alive. She said that although all safety enhancements are helpful, she and many others who are dedicated to the enhancement of vehicle safety for all officers, believe that the fire panel shield, combined with the fuel safe bladder tanks, provides increased safety. She stated that she does not know whether Ford will ever fix the cars as much as they would like but indicated their intention to continue to "push" the company to do the right thing.

MRS. NIELSEN stated the opinion that Ford intends to redesign the vehicles in 2006 but added that she does not know whether the redesign plans include moving the tank to another location. She noted that the ultimate goal of the group she represents is the redesign of the vehicle and relocation of the gas tank. She thanked everyone for their continuing efforts and support.

MAYOR DUNN thanked Mrs. Nielsen for all of the effort she has expended in this regard and said that the issue requires a "team effort." He added the opinion that Ford Motor Company has acted in a criminal manner and is not doing something that they have the power and the responsibility to do. He added that he and the members of the Council will not rely on Ford Motor Company's standards and said the he believes the shielding is inadequate and that is why they have insisted on using the fuel bladders as well. He stated that he believes Ford Motor Company should actually provide the fuel bladders in future cars and, beyond that, should undertake a total redesign of the future cars. He indicated the Council's intention to continue to pursue this important issue and again thanked Mrs. Nielsen for her continuing efforts.

MAYOR DUNN noted that Congressmen Hayworth and Flake support their efforts for enhanced, specialized testing for Police vehicles and are providing support in this important endeavor. He added that the National League of Cities and Towns also supports their efforts and thanked Vice Mayor Huggins for bringing the testing issue forward.

In response to a question from COUNCILMEMBER WALLACE relative to receiving reimbursement from Ford Motor Company for the costs associated with the purchase and installation of safety modifications that have been made to Police vehicles, City Attorney DENNIS O'NEILL advised that a notice was sent to Ford Motor Company and to date no response has been received. He said that Staff had been waiting to see what success the Attorney General's office had in working with Ford Motor Company. He agreed with Mayor Dunn's comments that Ford Motor Company's efforts to date have not been adequate and are unacceptable and stated the opinion that the next step should be to look into joining in a class action suit against Ford Motor Company. He said that with the Council's permission, he would pursue this course of action and report his findings to the Council.

MAYOR DUNN indicated that an opportunity exists to proceed in this manner and spoke in support of proceeding with the possibility of participating in a class action suit.

COUNCILMEMBER WALLACE said that she looks forward to hearing from Mr. O'Neill on his findings pursuant to proceeding in this direction. She also noted that Chief Neuman said that the members of the Committee went out to their "teams" and collected input and asked him to comment on this. Chief Neuman stated that the employees who were involved on the "teams" represented a cross section of officers who worked during different times of the day, on different shifts, so that word could go out to a maximum number of employees on what was taking place during the Committee meetings. She asked whether conversations took place with representatives of the Fraternal Order of Police (FOP) and the Chandler Law Enforcement Association relative to the information and receiving input from their members in terms of support. Chief Neuman responded that both organizations were contacted and indicated their support.

CHIEF NEUMAN also addressed a question that was previously posed by Councilmember Westbrooks relative to independent crash testing and advised that a high speed, rear end collision test, briefly touched on by Mrs. Nielsen, was conducted. He said that the vehicle contained a fuel bladder and the fire panel shield, which contains a fire retardant. He referred to a photo depicting the release of the fire retardant and its effectiveness. He noted that at the current time Police cars are equipped with the fuel bladders but do not contain the shields and spoke in support of this enhanced safety measure.

CHIEF NEUMAN thanked the Council and City management for funding the purchase and installation of the fuel bladders and said that should the Council decide not to go forward with the

purchase of the Crown Victoria vehicles at this time, Staff has another plan in mind and will continue to monitor the safety of those vehicles.

MAYOR DUNN thanked Chief Neuman for his comments. He noted that the test he just highlighted was not conducted by Ford Motor Company. Mayor Dunn asked whether any representatives from Ford Motor Company were present at the testing and was told that he did not believe so, although a number of lawyers were in attendance.

COUNCILMEMBER WALLACE asked whether the heat shields were being installed. CHIEF NEWMAN referred to the fire panel and said that to date this equipment has not been purchased. He added that the safety feature became available after the fuel bladder purchase and installation occurred. He noted that the equipment had been used by the military in the past and added that he is not aware of any Department that currently utilizes the shields although interest is beginning to be generated.

In response to a question from COUNCILMEMBER WALLACE, City Manager DONNA DRESKA advised that Chief Neuman has been gathering data relative to the shields and Staff is looking into this matter. She indicated that Staff may be back before the Council in the near future to discuss pursuing this option. Ms. Dreska noted that it would cost just over \$40,000 to outfit all of the Department's Crown Victoria vehicles with the shields. She indicated her intention to keep the Council updated on this issue.

COUNCILMEMBER WESTBROOKS thanked Chief Neuman for his information relative to the testing, particularly testing at higher speeds, and requested that the City Attorney provide Ford Motor Corporation with the results of the tests. He stressed the importance of that company stepping up to the plate and correcting the dangerous situation that exists.

COUNCILMEMBER ANDERSON said that what gives him comfort in approving this item this evening is the fact that officers are comfortable with the proposed vehicle choices and upgrades. He stressed the importance of ensuring that optimum vehicle safety is provided to all of Chandler's officers.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY VICE MAYOR HUGGINS, that Staff's recommendation to purchase patrol vehicles consisting of 6 Ford Crown Victoria's and 10 Chevrolet Tahoe's from Fire Star Ford and Midway Chevrolet, utilizing the Arizona State Contract, in the amount of \$484,378.08, be approved.

There were no citizens in the audience wishing to speak on this item.

MOTION CARRIED by majority vote of those present (5 to 1), with COUNCILMEMBER BRUNO voting No.

MAYOR DUNN thanked Ms. Nielsen, Staff, the members of the Committee and everyone else involved for their hard work on this issue.

PUBLIC HEARING:

PH1. Annexation of Approximately 12 Acres South of the SEC of McQueen & Germann Rds.
(Los Arboles Park Site)

MAYOR DUNN declared the public hearing open at 9:34 p.m.

MR. THOMAS RITZ, Planner I, reviewed the annexation request and said that it will permit the development of Los Arboles Park within the City. The annexation will incorporate all property required for the proposed park. The property is zoned R-43 (Rural Residential) in the County. He noted that the property is not within a flood zone and added that a portion of the property lies within the 55 DNL noise contour. The development of Los Arboles Park will link the Paseo and Tumbleweed Park.

There being no citizens present wishing to speak on this matter, the Mayor declared the public hearing closed at 9:35 p.m.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that an Art, Wine and Music Festival will take place on Friday and Saturday and feature live entertainment, arts and crafts, and wine tasting.

The Mayor said that a Senior Talent Show will be held on March 20th at the Center for the Arts and encouraged attendance at this fun event. He also noted that Councilmember Anderson will celebrate his birthday on Friday, March 14th, and congratulated him.

The Mayor stated that an Open House will take place on Saturday, March 22, from 10 a.m. to 3:00 p.m. at the City's newest Fire Station, #7, on Gilbert Road, south of Riggs.

MAYOR DUNN congratulated the Chamber of Commerce on the successful Ostrich Festival and thanked Staff for their hard work in preparing Tumbleweed Park for this event. He said that he looks forward to attending many future Ostrich Festivals at its new home.

The Mayor stated that this Saturday, from 10 a.m. to 3 p.m. and Sunday, from 1 p.m. to 4 p.m., a mobile Consulate will be in Chandler at the downtown library. He commented that this is a great opportunity to find out about a number of Consulate services available to citizens and added that this is the fourth time the mobile Consulate has been in Chandler. He spoke in support of this event and encouraged attendance.

MAYOR DUNN announced that the third annual Minority Business Workshop will be held on Wednesday, April 2nd at 8:00 a.m. at Western International University. He noted that this provides citizens with an opportunity to learn more about starting up and marketing businesses. He thanked members of the Economic Development Staff for their efforts to organize the event and added his appreciation to Councilmember Westbrook for his work on this annual event.

The Mayor commented on the recent passing of INEZ NOEL, a well-known, long-time citizen of Chandler. He said that she gave countless hours of her life to Chandler, volunteering and giving back to the community, and added that she will be greatly missed.

B. Councilmembers' Announcements:

VICE MAYOR HUGGINS also commented on the recent passing of INEZ NOEL and said that she was very instrumental in the success of the Chandler Christian Center and was one of the City's original members of the Human Relations Commission. He added that she also served on the Board of Freeholders and helped develop the City's first Charter. He noted that she also served

as Vice Mayor of the City and was his parent's neighbor for several decades. He told a story about Inez and the fact that when she decided to run for City Council, she also decided not to spend any money accomplishing this feat. He said that one gentleman in town who owns a sign company "Signs by Frank" placed one sign on the corner of Williams Field Road and Arizona Avenue and that's all it took, she won the election. He stated that she served the City her entire life and he will miss her.

COUNCILMEMBER WALLACE also commented on Inez's contributions to the City of Chandler and said that she did a lot of things very quietly, things that no one knew about, such as the fact that on Thanksgiving Day she would leave her family's celebration to deliver meals to other people in the community.

She added that a couple of weeks ago, Councilmember Anderson congratulated the Chandler Unified School District on their bonding upgrade and noted that the Superintendent has provided her with information relative to bonding upgrades from 1996 to the present. Councilmember Wallace noted that during that relatively short period of time, the District's bonding has been upgraded five times with two trips to San Francisco and commented on this accomplishment.

MAYOR DUNN announced that Public Information Director NACHIE MARQUEZ will be traveling at the expense of the State Department to Slovakia (previously known as Czechoslovakia) providing instructions relative to the operations of local government. He commented on the fact that it is an honor to the City of Chandler to have Nachie perform this service and wished her good luck.

C. Manager's Announcement:

City Manager DONNA DRESKA said that NACHIE MARQUEZ has received the distinct honor of providing instructions to the Slovakia government on methods of "reaching out to the community" and communicating/involving citizens in government. She added that she is sure Nachie will do a great job.

She added that the Ostrich Festival was an extremely successful event and, on behalf of the Chamber of Commerce, expressed special thanks to Dave McDowell, Dean LaVergne from the Police Department and Tyrone Allen, the City's new Special Events Coordinator. She added that the Police Department will be bringing forward the Honorary Citizen of the Year Award, and said that the woman (grandmother) who prevented the potential abduction of the child at the Ostrich Festival is the prime candidate for that award. She also congratulated the Police Department on their diligent efforts to apprehend the individual involved in this matter.

MS. DRESKA added that the Purchasing Department has received accreditation. She congratulated the Staff of the department and Pat Walker on this accomplishment. MS. WALKER noted that Chandler is one of 48 communities in the country that has achieved accreditation.

Adjournment: The meeting was adjourned at approximately 9:40 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 13th day of March, 2003. I further certify that the meeting was duly called and held and that a quorum was present.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, March 27, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

Also in attendance:

Donna Dreska	City Manager
Pat McDermott	Assistant City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Nachie Marquez, Mark Eynatten, Chief Roxburgh, Pat Walker, Dave Siegel, Doug Ballard, Chief Neuman, Bryan Patterson.

INVOCATION: The invocation was given by Pastor Forest Erickson, the Rock Church.

PLEDGE OF ALLEGIANCE: Vice Mayor Huggins led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognitions:

MAYOR DUNN, assisted by MARK EYNATTEN, recognized SOILA "INEZ" PERREAULT on her fifteen years of dedicated service to the City of Chandler. Mr. Eynatten stated that Inez developed a reputation for flexibility, adaptability and the ability to make a customer feel comfortable and at ease. Inez will change what she is doing at a moment's notice to help a co-worker or customer. The Chandler Public Library has changed tremendously in the past 15 years, more than doubling the amount of transactions performed in Inez' area alone. To handle this growth, technologies have been used and procedures and policies have changed to help streamline the whole experience for customers and Staff and Inez has been instrumental the entire way, embracing each change with her usual willingness and good humor. She also has a knack for making even the most skittish customer feel comfortable and at ease. Her Spanish language skills and soft demeanor make for a warm welcome for the City's Spanish speaking customers who are not yet comfortable with the English language. Inez puts them at ease by explaining the Library services and answers any other questions they may have with patience and a relaxed tone of voice. He thanked Inez for her effort, time, friendly and professional demeanor.

MAYOR DUNN, once again assisted by MARK EYNATTEN, recognized TIM PROFFER on his fifteen years of dedicated service to the City of Chandler. When Tim started with the City in

February 1988, Personnel (now Human Resources) was located in a trailer on Delaware Street. Tim was hired to provide heating and air conditioning services for the Fire Stations, Library and other City buildings. He was instrumental in improving comfort to various departments, as evidenced by numerous letters of appreciation. The City has grown substantially since Tim started and he has been an integral part of that growth and the City's progress during that time. He has proven himself to be versatile, innovative and an invaluable member of the City of Chandler building and facilities team. He is always willing to go that extra mile for his fellow employees and for the citizens of Chandler. The City is fortunate to have Tim as an employee.

MAYOR DUNN, assisted by Management Services Director PAT WALKER, recognized LYDIA ORTIZ on her ten years of dedicated service to the City of Chandler. Lydia started with the City in March 1993, in the Water Department. After working there for a little over a year, she accepted a position in the Purchasing Division of Management Services and has been in that Division for almost nine years. She is a tremendous asset to the City, especially with the implementation of the Oracle Financial Software. For the past four years, Lydia has been the main contact in the Management Services Department for fielding Oracle-related questions and employee training. She has willingly provided this service in addition to her daily tasks and has received numerous Values Alerts for her outstanding customer service. Lydia was also an important player in the implementation of the City's purchasing card program. She took care of ordering new cards for approximately 300+ employees when the City switched to the current contract in 2001 and on several occasions, she personally hand delivered purchasing cards once they were received by the City. Lydia has been Employee of the Year for the Management Services Department, was elected by her peers to attend a quarterly luncheon with the Mayor and has received two Exceptional Merit Awards. Lydia exemplifies the values that Chandler employees embrace and is a valuable member of the Division and Team Chandler.

MAYOR DUNN, assisted by City Manager DONNA DRESKA, recognized BRYAN PATTERSON on his ten years of dedicated service to the City of Chandler and the Public Works Department. Bryan joined the City in 1992 as an Assistant Public Works Director for Transportation and was responsible for oversight of the City's streets, traffic engineering, airport and transit service divisions. His fourteen years of background with the State Department of Transportation and Maricopa Association of Governments was exactly what was needed to accomplish three major assignments: 1) widen Arizona Avenue south of Frye Road; 2) complete the Price Freeway by the year 2000; and 3) complete the Santan Freeway by 2005. Bryan also served as the City Engineer from 1997 to 1999 when he was promoted to Deputy Public Works Director. His accomplishments during this time are truly outstanding and include the new Traffic Management Center, new Airport Terminal and Tower, Chandler Fashion Center offsite construction oversight, Price Freeway construction acceleration, Santan Freeway coordination, major investment study (MIS) completion and growth in all infrastructure areas. Bryan's commitment to actively involve and inform citizens about Public Works projects and programs is well known and greatly appreciated. In addition, his efforts to locate and obtain grant funds has greatly benefited the City and Bryan is an extremely valued employee of the City of Chandler.

MAYOR DUNN commented on a tour he took of a portion of the Santan Freeway and suggested that the other members of the Council join him on a similar tour of the freeway, which is planned to open in December of this year.

2. Special Recognition - Chandler Regional Hospital Car Seat Program

MAYOR DUNN requested that Councilmember PHILL WESTBROOKS join him at the podium as well as members of the BALL Family and GINA BARRERAS, a nurse from the Chandler Regional Hospital. The Mayor stated that Chandler Fire Captain DAN COUCH would make the presentation on this agenda item.

CAPTAIN COUCH stated that he is involved with child passenger safety issues and has met some very wonderful people during the time he has performed this service. He noted that 56% of children under 15 years of age killed in car crashes were completely unrestrained. He added that motor vehicle crashes are the leading cause of death for children 4 to 14 years of age. He stated that child safety restraints reduce fatalities by 71% for infants and by 54% for toddlers. He added that when drivers are buckled, 87% of the time their children are also buckled and when drivers are not buckled, 76% of the time their children are not buckled. He reported that every day in 2001, 6 children lost their lives and 732 were injured. Captain Couch stated that child passenger safety is an issue very near and dear to the hearts of Police and Fire Department staff as well as the staff of the Chandler Regional Hospital. He told a story involving nurse GINA BERRERAS who took the time to become a certified passenger safety technician and said that her efforts in this area saved the life of an infant member of the Ball family. He noted that the hospital currently has six nurses certified in this important area and added that ten additional nurses will receive this training in April. He stated that the Chandler Police Department, Fire Department and Chandler Regional Hospital have a cooperative agreement in place to provide this invaluable service to parents and citizens of Chandler.

MAYOR DUNN thanked CAPTAIN COUCH for his comments, members of the Chandler Police and Fire Department for their programs and MS. BARRERAS and the staff of the Chandler Regional Hospital for the important services they provide and for implementing this important program. He acknowledged the importance of car seats and child passenger safety.

COUNCILMEMBER WESTBROOKS also thanked and commended everyone involved in this worthwhile life-saving program.

3. Ostrich Festival Thank You - Donnette Hermes & Ron Adams - Chandler Chamber of Commerce

DONNETTE HERMES, President and Chief Executive Officer of the Chandler Chamber of Commerce said that she is present tonight with the Chairman of the Ostrich Festival, RON ADAMS, to publicly thank and recognize the City of Chandler and Staff for their efforts to ensure that the 2003 Chandler Ostrich Festival was an outstanding success.

MR. ADAMS commented on the successful event and acknowledged the Mayor, Council, City Manager and members of City Staff for their outstanding assistance and efforts.

MAYOR DUNN thanked the Chamber of Commerce for stepping up to the plate and taking on the challenge of conducting the Ostrich Festival at its new location, Tumbleweed Park, and also expressed appreciation to Staff for their hard work and outstanding efforts in this regard.

COUNCILMEMBER WALLACE also commended Staff on their efforts and thanked the Chamber of Commerce for their hard work.

4. Earl Brockert - Acceptance of Crosslinked Polyethelene Water Piping

MR. BROCKERT stated that currently every city in the State of Arizona allows the use of crosslinked polyethelene water piping and referred to City Section 604.1.1 that does not allow plastic piping. He referred to information distributed to Council and said that the data indicates that the ICBO, which is the organization that actually writes the building codes, has allowed the use of the piping in their code since 1996 on a national level. He added that the Uniform Plumbing Code also allows the use of the product. He referred to a letter received from NSF that indicates that chlorine testing is being conducted. He stated that several builders are interested in using the product in Chandler but because of current regulations they cannot.

MR. BROCKERT noted that GRANT DOWELL, the manufacturer of the product, is present this evening and would like to address the Council. MR. DOWELL stated that he has been involved in the Code process since the very beginning and presented justification in support of the use of this product. He noted that a number of very reputable builders already use the product and would like to include it in the projects they are working on in the City of Chandler. He noted that Shea Homes, Pulte Homes, Hancock Homes, Continental Homes and T.W. Lewis are just a few of those companies and asked the Council to research this issue and allow the use of crosslinked polyethelene water piping in the City of Chandler.

MR. BALLARD indicated Staff's intention to look into this issue and review the various codes and indicated that Staff will report their findings to the Council.

5. John Retzger - A Few Final Thoughts

JOHN RETZGER, 2527 East Cathedral Rock Drive, Phoenix, reiterated comments presented during his previous appearances before the members of the Council relative to charges of disorderly conduct that were brought against him. He read notes written by a Gilbert prosecutor relative to the charges and stated the opinion that his actions were not determined to be disorderly conduct. The Mayor informed Mr. Retzger that his allotted time was up.

UNSCHEDULED PUBLIC APPEARANCES:

There were no unscheduled public appearances.

CONSENT:

MOVED BY COUNCILMEMBER BRUNO, seconded by COUNCILMEMBER WALLACE, to approve the Consent Agenda as presented. MOTION CARRIED UNANIMOUSLY (7 to 0).

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Special Meeting of March 13, 2003, and the Chandler City Council Meeting of March 13, 2003.

2. DEVELOPMENT PLAN: McQueen Village Square Ordinance #3433

ADOPTED Ordinance No. 3433, (DVR02-0035, McQueen Village Square), rezoning from AG-1 to PAD for commercial C-2 uses only (Walgreen's store, retail shops and a bank PAD) located at the SWC of Ocotillo and McQueen Roads.

3. No Item.

4. CODE AMENDMENT: Chandler Public Housing Authority Commission Ord. #3436

& Modifying Role of Housing & Redevelopment Committee

ADOPTED, BY EMERGENCY, Ordinance No. 3436, amending Chapter 36 of the City Code, creating the Chandler Public Housing Authority Commission and modifying the role of the Housing and Redevelopment Committee. In 1998, Congress passed legislation requiring that a resident be a member of the governing board for any public housing agency that has a Public Housing Annual Contributions Contract with HUD and/or which has housing assistance payment contracts with HUD under Section 8 of the U.S. Housing Act of 1937. The legislation and federal regulations require that a public housing resident serve on the governing body responsible for public housing also apply in a municipality. In Chandler, the governing body is the City Council.

Since 1999, Chandler and other Arizona cities have unsuccessfully argued that they are eligible for one of the two exemptions to the "resident on board" (ROB) requirement. Recently, HUD has advised Arizona Public Housing Authorities that it will reject or hold invalid the Public Housing Annual Plan of an agency that has not met the ROB requirement. The Annual Plan provides details about Chandler's strategy for handling housing operations, program participants, housing programs and services for the upcoming fiscal year. The plan must be adopted by the governing body, with a resident on the board and submitted to HUD by April 15, 2003. If the plan is adopted without a ROB, the City could risk losing federal funding for the Housing Programs.

Ordinance No. 3436 amends several provisions of Chapter 36 of the City Code to establish the Chandler Public Housing Authority Commission (CPHA Commission) comprised of the members of the City Council plus one resident member. The Commission will be the final authority for various operational and policy matters related to the City's low cost housing programs. The role of the current housing and Redevelopment Commission (HARC), which already has a public housing resident member and serves in an advisory capacity to the Council, is also modified in light of its current role and the new CPHA Commission. HARC will advise both the Council and the CPHA Commission as appropriate.

5. CODE AMENDMENT: Clarifying the Location of Wireless Facilities on Ord. #3415
Ballfield Light Poles in Proximity to Residential Districts

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3415, a City initiative amending Chapter 35-2209 of the City Code to clarify the location of wireless facilities on ballfield light poles in proximity to residentially zoned areas. At the January 6, 2003 Study Session, Council asked Staff to continue the case for additional time to review the amendment with the School Districts. Staff has contacted all School Districts within the City of Chandler and the consensus is that while co-locating antennas on ballfield light poles by right is easiest, the need for public input, particularly in close proximity to residential areas, is understandable. The Districts are aware of the fact that the ordinance does not eliminate the possibility of collocating on the light standards within 300 feet and they would still be able to advocate in favor of the facility through a Use Permit process.

The proposed amendment arises from comments expressed by the Commission regarding the location of wireless facilities located on ballfield light poles in proximity to residentially zoned areas. The current ordinance has no setback requirements imposed on these facilities. The current code allows antennas to be constructed on ballfield lights without regard to the light standard location on the property. Typically the light standards on ballfields in schools and parks are located away from residential areas due to the playfield layout. Therefore, when the ordinance was originally created, there were no setbacks imposed for the ballfield light pole antennas. It is recognized, however, that locations of wireless facilities on ballfield lights within

the ballfields are varied and that setbacks are necessary for antennas to be compatible with residential areas.

The proposed setback requirements are a minimum distance of three hundred feet (300) or on the furthest existing light pole away from a residence or residentially zoned area, whichever distance is greater. The amendment also states that any wireless facility that cannot meet the new requirement must obtain a Use Permit. Furthermore, any facility that would be in non-conformance, if amendments are approved, would not be able to expand or move closer to a residence or residentially zoned area without first obtaining a Use Permit. The new amendment amends only Paragraph 5 of Section 35-2209 of the Code; all other parts of the Ordinance (No. 2713) remain in effect. Planning Commission and Staff, upon finding the proposed amendments to the wireless communications ordinance consistent with the General Plan, recommended approval.

6. DEVELOPMENT PLAN: GE Capital

Ordinance #3435

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3435, (DVT02-0039, GE Capital), rezoning from AG-1 to PAD for a modular trailer storage, service, sales and administrative facility with Preliminary Development Plan approval for an approximately 17-acre parcel located approximately 600 feet south of the SEC of Warner Road and Delaware Street. (Applicant: Skyline Consultants, Jason Allen, Principal; Owners: Transport International Pool, Inc., GE Capital.) GE Capital Modular Space leases and sells modular buildings used as temporary and permanent space for classrooms, bank branches, churches, construction trailers, sales offices, work offices, and the like. Currently, GE Capital Modular Space is located in west Chandler within the Williams Field Road Business Park. The facility has relocated to Warner Road and Delaware Street and the property is currently zoned AG-1 (Agricultural). The application requests PAD (Planned Area Development) for an industrial use. The General Plan designates this property for Employment, which accommodates a variety of light industrial, business parks and industrial support uses.

Staff has determined that the proposed development is in accordance with the Employment designation for this area and that the site design and building architecture are compatible with surrounding properties. The applicant has been responsive to Staff's concerns for reducing the height of Buildings B and C and architecturally treating the facades. The request was noticed in accordance with City of Chandler requirements and to date Staff has not received any comments from the property owners notified of this application. Planning Commission and Staff, upon finding consistency with the General Plan, recommended approval subject to the conditions listed in the ordinance.

7. ANNEXATION: SWC of Gilbert & Queen Creek Roads

Ordinance #3441

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3441, the annexation of approximately 33 acres at the SWC of Gilbert Road and Queen Creek Road, as recommended by Staff. (Applicant: Don Andrews, Andrews Design Group; Owner: Rex Maughan, Cherry properties, LLC.) The City Council held a public hearing on this item on February 27, 2003. Staff has received the original signed petition from the property owner and the request has been processed in compliance with State Statutes governing annexations. The owner of the 33 acres has requested annexation. The property is zoned R-43 (Rural Residential) in the County. The City's General Plan Land Use Element designates this property as part of the Airpark Area Plan for Community Commercial and High Density Residential. The property is not within a flood zone or an airport noise contour. The proposed annexation includes property owned by a single owner. The property is planned for commercial and multi-family uses.

8. DEVELOPMENT PLAN: Windmill Square & Villas

CONTINUED to the April 10, 2003 City Council meeting, DVR02-0032, Windmill Square & Villas, a request to amend a portion of an existing Planned Area Development (PAD) to allow a 43-lot single-family residential subdivision and commercial center with Preliminary Development Plan approval including housing product on approximately 18.13 acres located on the NEC of McClintock and Ray Roads, as recommended by Staff. (Applicants: Jason B. Morris, Withey, Anderson and Morris, Michael Perry, Whitneybell Architects, Inc.) The applicant requested a two-week continuance to allow additional time to make final changes to the Development Booklet and to meet with the neighborhood.

9. DEVELOPMENT PLAN/PRELIM. PLAT: Adobe Towers

CONTINUED to the April 24, 2003 City Council Meeting, DVR02-0036, Adobe Towers, a request for rezoning from AG-1 to PAD for a 14-lot single-family residential subdivision along with Preliminary Development Plan for the subdivision layout and housing product and Preliminary Plat PPT02-0012 Adobe Towers, for an approximate 1.6-acre parcel located at 1250 West Ray Road, as recommended by Staff and members of the Planning Commission. (Applicant: John Makarchuk, Adobe Towers Ltd.) Planning Commission voted to continue this request to their April 2nd meeting. The applicant is conducting additional neighborhood work to continue discussions with the Homeowners' Association and adjoining neighbors.

10. PRELIMINARY DEVELOPMENT PLAN: Markwood North

APPROVED Preliminary Development Plan PDP02-0034 Markwood North, Preliminary Development Plan approval for housing products on 270 lots on approximately 87 acres within a larger single-family residential subdivision, Markwood Farms, located on the NEC of Cooper Road and Appleby Road. (Applicant: Trend Homes; Owners: Doug Stiteler.) The property is located in south Chandler and is part of the Chandler Airpark Area Plan. The property was rezoned in March 2000 as part of a larger 783-lot single-family development, Markwood Farms. The subdivision conforms to the 1995 subdivision diversity standards and provides the nine required elements and seven optional elements. Planning Commission and Staff, upon finding consistency with the General Plan, recommended approval subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit "A," Development Booklet, entitled "Markwood Courtyards - Preliminary Development Plan," kept on file in the City of Chandler Planning Services Division in File No. PDP02-0034, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance No. 3054, Case PL99-0041 Markwood Farms, except as modified by condition herein.
3. All homes built on corner lots within the residential subdivision shall be single-story or a combination of one and two story homes as defined in the residential diversity elements.
4. No more than two adjacent lots shall have identical rooflines on the rear elevation visible from arterial streets.
5. The same elevation shall not be built side-by-side or directly across the street from one another.
6. All housing plans shall provide standard rear yard covered patios.
7. Housing products shall consistently apply architectural details and features to the second story rear elevations such as that applied on Plan 311.

8. For those lots abutting Cooper Road, Queen Creek Road, and Emmett Drive, no less than 50% of the homes shall be one-story and there may be no more than two side-by-side two-story homes.
9. Homes with two-story elements where the two-story elements are built side-by-side shall have a 20-foot separation between homes.
11. PRELIMINARY DEVELOPMENT PLAN: Bank One

APPROVED Preliminary Development Plan PDP02-0035 Bank One, Preliminary Development Plan approval for a 4,000 square foot bank located at 2915 East Riggs Road, (West of the SWC of Riggs and Gilbert Roads). Applicant: Todd Trainer, DPA Architects, Owner: Gordon Keig, Albertson's Inc. The 0.79 freestanding pad is located within the Albertson's shopping center at the SWC of Riggs Road and Gilbert Road. The center is within a commercial node as defined by the Southeast Chandler Area Plan. Approval of the PDP for building architecture and site plan would permit construction of the bank with drive-thru lanes and an outdoor ATM. The bank would be constructed as a single phase. Planning Commission and Staff, upon finding consistency with the General Plan and previously approved PAD zoning, recommended approval subject to the following conditions:

1. Compliance with original stipulations adopted by City Council as Ordinance No. 3214, in case DVR00-0038 ALBERTSON'S except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet entitled "Bank One" kept on file in the City of Chandler Current Planning Division, in File No. PDP02-0035, except as modified by condition herein.
3. Sign packages, including free-standing signs, as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
4. All ground-mounted equipment shall be screened from public view by landscaping or a concrete or masonry wall equal to or greater in height than the mechanical equipment.
12. COUNCIL AUTHORIZATION: Reclaimed Water Customers Utilizing Potable Water System to be Charged Reclaimed Water Rates

AUTHORIZED Staff to allow approximately ten reclaimed water customers utilizing the potable water system to be charged reclaimed water rates from December 15, 2002 until November 29, 2003, as recommended by Staff. The City has been constructing a new reclaimed water system in south Chandler. This system has made remarkable progress in a short period of time. However, approximately ten customers cannot be adequately served by reclaimed water until improvements are made to the reclaimed water system and must temporarily use potable water for their irrigation needs.

The reclaimed water system operates at a very low pressure and the distribution lines are not yet looped. The current expansion of the Airport Water Reclamation Facility includes a new storage facility and pumping station that will increase pressure. This improvement will be completed in the fall of 2003. The City and developers are both installing reclaimed water lines helping to loop the system. Based on usage projections, the temporary rate will allow unrealized revenue of approximately \$32,000.

13. COUNCIL AUTHORIZATION: Use of CFT Funds for Reimbursement to Valley Metro for Providing Dial-A-Ride Services

AUTHORIZED the use of Community Funded Transportation (CFT) funds held on account with Valley Metro to reimburse Valley Metro for additional costs of providing Dial-A-Ride services to the City of Chandler during Fiscal Year 2001-02 in the amount of \$41,000, as recommended by Staff. The City of Chandler approved an Intergovernmental Agreement with Valley Metro to provide Dial-A-Ride transportation services for senior citizens and persons with disabilities through the East Valley Dial-A-Ride (EVDAR) during Fiscal Year 2001-02 (Resolution No. 3400). EDVAR services are provided in partnership with the cities of Scottsdale, Tempe, Mesa and the Town of Gilbert. A total of 8,850 service hours were allocated for the City of Chandler at a cost of \$374,527. Service hours were estimated based on ridership trends and demand for service over the previous year. In accordance with the agreement, actual hours of service provided are reconciled between the five jurisdictions participating in EDVAR at the end of the fiscal year. Each City is then invoiced for the actual number of service hours used. Nine thousand nine hundred sixty-six (9,966) Dial-A-Ride service hours were used by the City of Chandler in Fiscal Year 2001-02, exceeding the estimated service allocation by approximately 13%.

Until Fiscal Year 2001-02, Valley Metro provided an annual funding allocation for each valley community for transit service and improvements. This set-aside is the Community Funded Transportation (CFT) account and is derived from the countywide transportation sales tax. Currently, the City of Chandler has a CFT account balance of \$252,000 with Valley Metro. Use of these funds will not impact the budget.

14. HOUSING: Subordination of Lien on 401 East Oakland Street (Quezada)

APPROVED a request to subordinate the Housing Rehabilitation Lien on Project #94-8-5 located at 401 East Oakland Street, as recommended by Staff. The single-family, owner-occupied home was rehabilitated under the City of Chandler's Housing Rehabilitation Program in 1995. A lien was placed against the property by the City in the amount of \$22,534.00. This lien is in the form of a 10-year forgivable loan with the current balance at \$9,016.00.

The owner is in the process of refinancing her first mortgage in order to reduce her monthly payments. The total amount of the new loan would be \$72,400.00. In order to obtain the loan, a subordination of the City's lien is required by the lending institution. The City's lien is currently in second position and would remain in second position after the subordination. The property has an appraised value of approximately \$97,000, which is more than the combined encumbrances of the City's lien and the new first mortgage.

15. AGREEMENT: Implementation of Resident Opportunities for Self Sufficiency Grant to Women and Youth for Self Reliance

AWARDED Agreement HO3-0839-2008 for the implementation of the Resident Opportunities for Self Sufficiency (R.O.S.S.) grant to Women and Youth for Self Reliance (WYSR) in an amount not to exceed \$250,000, as recommended by Staff. On December 3, 2002, the City of Chandler, Housing and Redevelopment Division was awarded a \$250,000.00 R.O.S.S. grant funded by the United States Department of Housing and Urban Development (HUD). The purpose of the R.O.S.S. program is to link services to public housing residents by providing supportive services, resident empowerment activities and help residents become self-sufficient. The R.O.S.S. program will build on an expand Chandler's existing family Self Sufficiency program located at the Family Investment Center at 71 South Hamilton Street. The grant will enable staff to contract with a social service provider agency that will expand and enhance resident and resident council services until August 2005. The focus of the program will be to connect residents to training, employment and educational opportunities while assisting them in overcoming barriers with transportation, childcare and other family supportive services.

The Housing and Redevelopment Division requested that proposals be obtained to assist the City in implementing the recently received R.O.S.S. grant for \$250,000. The RFP was advertised and registered/supplemental vendors were notified. Two proposals were received and based upon a complete evaluation, WYSR was chosen as the most advantageous offer to the City.

16. PRE-CONSTRUCTION SERVICES CONTRACT: Information Technology Building
Renovation & Expansion

AWARDED a pre-construction services contract for the construction manager at risk project to Turner Construction Company for the Information Technology Building Renovation and Expansion, located at 275 East Buffalo Street, Proposal No. GG0202-251, in an amount not to exceed \$35,900, as recommended by Staff. This project is to renovate 6,600 square feet of the existing information technology building and to construct a 7,500 square foot addition. Council awarded a design contract to BPLW Architects on June 27, 2002. Renovating and expanding the existing building rather than constructing a new facility will eliminate the high costs of creating a new computer room, moving the City's fiber optic cable network and purchasing more land.

This contract is for the contractor to provide pre-construction services, including value engineering, constructability reviews, and cost estimates during the design. A separate Council memo will be presented at a later date for approval to award the construction contract after receipt and agreement of a guaranteed maximum price for the construction.

17. ENGINEERING SERVICES AGREEMENT: Denver Basin Improvements, Pump Station
& Force Main

AWARDED an engineering services contract to Project Engineering Consultants for the Denver Basin Improvements, Pump Station and Force Main, Project No. ST0304-201, in an amount not to exceed \$279,834, as recommended by Staff. The City's Stormwater Master Plan identifies areas where drainage problems may occur and recommends a continuing program of various improvements to the storm drainage system to eliminate existing problems and prevent future ones. As outlined in the Master Plan, this project provides for the design of miscellaneous improvements to the Denver Basin, a stormwater pump station located in the basin, and a force main from the Denver Basin to the Santan Freeway drainage channel. The force main from the Denver Basin was originally planned to flow to ADOT Basin H at the Price Freeway. ADOT subsequently agreed to allow the discharge to the Santan Freeway, which saved approximately \$2.5 million on the project. This is a joint project with the Flood Control District of Maricopa County with fifty percent of the funding being provided by them.

18. CONSTRUCTION CONTRACT: Kyrene Road Improvements

AWARDED a construction contract to Arrow Indian Contractors, Inc. for Kyrene Road Improvements (Project No. WW0006-401), in an amount not to exceed \$3,206,477, as recommended by Staff. This construction contract includes the widening of Kyrene Road between Chandler Boulevard and the Santan Freeway to accommodate increased traffic from the Santan Freeway, and a traffic signal will be installed at Frye/Kyrene to provide the safe passage of pedestrian traffic to and from the West Chandler Aquatic Center. In addition to the roadwork, the construction contract for Kyrene Road improvements will include a 30-inch relief sewer main and a 24-inch water transmission main.

Construction timing will be phased to minimize impact on travelers. The utility work is scheduled to begin in April 2003 with an anticipated completion date in August 2003. The roadwork is

scheduled to begin at a point after the utility work begins. The entire project is anticipated to be completed in October 2003 and total construction contract time is 210 days. Construction inspection shall be performed by City inspection staff.

19. CONTRACT EXTENSION: NES Traffic Safety/Barricade Rentals

APPROVED a one-year extension of contract No. ST2-9905-1867 for barricade rentals with NES Traffic Safety in an amount not to exceed \$75,000, as recommended by Staff. The barricade rental contract provides the City with the type and quantity of barricades required and the setup as required for various traffic control situations. There are a number of City divisions that utilize this contract, including Streets, Water Quality, Wastewater, Traffic Engineering, Parks Maintenance and the Police Department. By using this contract, the City reduces the need to keep a large inventory of barricades and spare parts and saves on labor to set up and repair the various barricades.

Council awarded a one-year contract for barricade rental to Barricade & Light Rental, who recently changed their name to NES Traffic Safety, in April 2002 with provisions for two additional one-year extensions upon mutual agreement between the City and the contractor. The contractor has agreed to extend their prices for the second one-year term for the period May 1, 2003 through April 30, 2004 without a price increase. Staff is satisfied with the services provided by the current contractor and by renewing this contract, the City is avoiding administrative costs associated with rebidding.

20. CONTRACT EXTENSION: Vulcan Materials, New West Materials & Mesa Materials - Hot Mix Asphalt Material

APPROVED a one-year extension of Contract No. ST2-5610-1866 to Vulcan Materials, New West Materials and Mesa Materials to provide hot mix asphalt material in an amount not to exceed \$60,000, as recommended by Staff. Hot mix asphalt material is used in the repair and maintenance of City streets and is an essential material to have readily available at a reasonable price. The Street Division has used an annual contract for hot mix material for the past ten years. The asphalt industry produces large batches of hot mix asphalt material for street paving and patching. However, the various suppliers make different size and gradation of asphalt each day. Eighty-five percent of the City's estimated annual requirements are for 3/8" hot mix asphalt material for street patching and therefore it is recommended that contracts be awarded to each of the three vendors.

Council approved a one-year contract with two one-year extensions in February 2002 to Vulcan Materials, Mesa Materials and New West Materials. To insure that the City can meet daily requirements without delay, contract extensions to all three vendors are recommended. All three vendors have agreed to renew with no price increase for this extension. Staff is satisfied with the services provided by the current contractors and requested that the extension be approved. By renewing the contract, the City avoids administrative costs associated with rebidding.

21. CONTRACT: Art Landscaping/Price Freeway Frontage Road and Various City Facilities Landscape Maintenance Service

AWARDED a contract for Price Freeway frontage road and various City facilities landscaping maintenance services (Bid No. ST3-0078-2007) to Art Landscaping in an amount not to exceed \$59,532, as recommended by Staff. The City contracts for landscape maintenance for various

City facilities on an annual basis. The Price Freeway frontage road maintenance is under the responsibility of the Arizona Department of Transportation (ADOT) landscape contractor. ADOT is due to release the contractor from the maintenance responsibility on May 1, 2003. After this date, the frontage road area will become the responsibility of the City of Chandler to provide ongoing landscape maintenance.

Combining this area of maintenance (30 acres) together with other smaller Public Works, Police and Economic Development facilities, will produce additional area and more competitive bidding. These areas are currently under contract for landscape maintenance with Art Landscaping, Inc., but by moving them to this new contract, the City will save \$1,250 per month. The current landscape maintenance contract allows the City to delete or add maintenance areas and Art Landscaping understood before bidding the new contract that these smaller areas would transfer to the new contract. This contract covers landscape maintenance including trash, weed control, and irrigation repair. This is a one-year contract with provisions to extend for three one-year periods. The contract term will begin May 1, 2003.

22. PURCHASE: Notes/Novell/Zenworks Licenses from ASAP Software

APPROVED use of the Arizona State Contract (#AD990116-001) to purchase Notes/Novell/Zenworks licenses to support all City employees and for renewal of Antivirus software from ASAP Software in an amount not to exceed \$210,000, as recommended by Staff. There are 3 issues being covered by this request, renewal of Antivirus software, the purchase of Lotus Notes, Novell and Zenworks licenses to bring the City into compliance with current needs, and the purchase of Lotus Notes, Novell and Zenworks licenses to support the implementation of Self Service HR (SSHR) and Standard Benefits. The Arizona State Procurement Office has bid Designated Software License Agent Volume license agreements and awarded a contract to ASAP Software. City staff researched other cooperative contracts available to the City and determined that ASAP Software is the best value for the City. Use of this contract eliminates the cost of going out to bid and reduces the lead-time in obtaining the equipment in addition to capturing the State's volume purchasing power.

23. PURCHASE: Oracle Maintenance & Support/Oracle Corporation

APPROVED the sole source purchase of Oracle maintenance and support with Oracle Corporation in an amount not to exceed \$150,000, as recommended by Staff. This maintenance and support covers the City of Chandler's Financial System, Payroll/HR System, Sales Tax System, Work Order Management System (MP2), Permits System and the GIS System software. Oracle maintenance and support provides technical support issues, software fixes and system and application upgrades necessary to operate and keep these systems current. Maintenance is renewed on an annual basis. Support and maintenance is only available through Oracle.

24. PURCHASE: Local & Wide Area Networking Equipment/Qwest

APPROVED the use of the State of Arizona Contract Number AD000187-016 for the purchase of local and wide area networking equipment with Qwest in an amount not to exceed \$237,500, as recommended by Staff. The City implemented Phase 1 of its network upgrades last fiscal year (2002-03). During this phase, the network core was enhanced to provide higher network availability and a more secure environment. Phase II will build upon the enhanced core equipment by providing additional port capacity, standardization of network equipment, and

enhanced network management. Older network equipment, which is reaching end-of-life and will no longer be supported, will be replaced with the latest technology. Overall network performance will be increased across the current downtown campus buildings with the implementation of gigabit backbone connections and IT will be able to take a more proactive management approach to the new infrastructure.

25. PURCHASE: Software & Consulting for Help Desk Software System/Nvision Networking

APPROVED the use of Mohave Educational Service Cooperative (MESC) Contracts #01J-NVIS-0921 and #01J-NVIS2-1221 to purchase software and consulting for a Help Desk Software System from Nvision Networking, Inc. in an amount not to exceed \$120,520, as recommended by Staff. The Help Desk currently utilizes a Lotus Notes add-in to log calls and create tickets. This software is very cumbersome, does not provide asset-tracking capabilities and is limited in its reporting capabilities. Customizations require an extended period of time to implement, often requiring a minimum 2-3 week turn-around for a vendor to implement. There is no way for end users to enter, view or track their own problem tickets. There is no auto-notification to Desktop Support or NOS staff when tickets are assigned to them. Return on Investment at the Help Desk focuses on improving first contact resolution, lowering the impact of turnover and absenteeism, maximizing customer productivity and increasing IT efficiency, all of which lowers costs. The City will benefit by the implementation as the Help Desk elevates customer satisfaction, creates a positive perception of service and improves job satisfaction for IT staff.

MESC contracts for the use of all Arizona School Districts and many political subdivisions. The Center entered into an agreement authorizing discretionary use of the MESC contracts in 1995. Use of this contract eliminates the cost of going out to bid, reduces the lead-time in obtaining the product and service and with the volume purchasing of MESC, likely reduces the City's costs.

26. SPECIAL EVENT LIQUOR LICENSE: W. Steven Martin Police Toy Drive & Memorials for "The Best of Chandler" The Roast & Retirement of Bobby Joe Harris

APPROVED a City of Chandler Special Event Liquor License and that a recommendation for approval of a State Special Event Liquor License for the W. Steven Martin Police Toy Drive and Memorials, be forwarded to the State Department of Liquor Licenses and Control. An application was submitted for "The Best of Chandler," The Roast and Retirement of Bobby Joe Harris, a dinner and silent auction fundraiser on Friday, April 18, 2003, from 5:00 p.m. until 11:00 p.m. at the Chandler Community Center, 125 East Commonwealth Avenue. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reported no objections to the issuance of the license. As this applicant is a non-profit organization, no sales tax license is required; however the special event liquor fee has been paid. A portion of the proceeds will go towards the construction of the plaques and memorials for fallen officers.

27. LIQUOR LICENSE: Bronco Billy's

APPROVED the issuance of a City of Chandler Series 6 Bar Liquor License (#300000563) and that a recommendation for approval of State Liquor License No. 06070670 for Everett T. Lee, Agent, Bronco Billy's at 2020 North Arizona Avenue, Suite G-68, be forwarded to the State Department of Liquor Licenses and Control. This application reflects a change in ownership. Planning and Development advised that a new Use Permit is not required since this will be a

continuation of the location's previous use as El Internacional Dancing Club. The Police Department reported no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. With a Series 6 Bar Liquor License, the business may sell all alcoholic beverages for on or off premise consumption.

28. FINAL PLAT: SAN TAN PLAZA

APPROVED the Final Plat (FPT02-0064 SAN TAN PLAZA) for a 27-acre parcel divided into 5 commercial lots located on the NWC of Willis Road and Arizona Avenue. (Applicant: Continental Chandler, LLC.) This subdivision is for a shopping center that includes a Kohl's department store. The property, divided into five lots, will include the main shopping center and two outlying building pads. The plat creates the lots, tracts and necessary easements and dedicates the required right-of-ways. Upon finding the request to be consistent with the General Plan and PAD zoning, Staff recommended approval.

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY COUNCILMEMBER WALLACE, to approve the Consent Agenda as presented. MOTION CARRIED UNANIMOUSLY (7 TO 0).

ACTION AGENDA

COUNCILMEMBER WESTBROOKS asked that agenda items 30 and 31 be discussed first in an effort to accommodate individuals that were present regarding these items. Following a show of hands to determine how many individuals were present for the review/discussion of the three agenda items, the Mayor stated that Agenda Item 30 would be discussed first, followed by 31 and then 29.

30. PURCHASE: 300 Tasers & Related Equipment

MAYOR DUNN stated in December of 2002, a request was received from the Fraternal Order of Police that tasers be purchased for the City of Chandler. In addition, a letter dated January 14, 2003 was received from the Chandler Law Enforcement Association supporting a vendor's (Taser International) proposal to the Chandler Police Department. He commented on the significant amount of research and discussion that has occurred relative to this issue and requested that Vice Mayor Huggins and Councilmember Anderson present their comments at this time.

VICE MAYOR HUGGINS said that he has been working to bring this issue forward without delay and stressed the importance of obtaining up to date equipment that may result in saving the lives of Chandler police officers. He reported that if the Council approves this agenda item this evening, 60 police officers who have already been trained in taser use, would be provided tasers. He stated the opinion that when an officer is forced to use a firearm on an individual, his or her life is forever changed. He added that many officers enjoy long, rewarding careers and are never faced with an incident involving the taking of a life of another human being and spoke in strong support of providing Chandler's officers with every conceivable piece of equipment that could help them to carry out their jobs in a safe and effective manner. He expressed appreciation to Councilmember Anderson for his efforts in this regard and asked him to address the audience at this time.

COUNCILMEMBER ANDERSON discussed efforts expended by him, at the request of the Vice Mayor, to determine whether the tasers could be obtained with delay. He commented that if the equipment could be purchased within a specific tight deadline period, the City is eligible to receive a discount in the amount of approximately \$26,000. He requested that Tom Smith, the President

of Taser International, address the Council following his remarks. He apologized to the Council for bringing this item forward at the last moment but noted that very little lead-time was available and in order to take advantage of the discount, the issue had to be addressed at this time. He commented on discussions he had with Police Chief Neuman relative to the equipment and reported that the Chief commented on the benefits that would be realized as a result of the purchase. Chief Neuman stated that they were planning on including funding in the budget for this item. He added that the Police Department has worked with Taser International over the past five years and is familiar with their excellent products and reputation.

In response to a request from the Mayor, Police Chief DAVE NEUMAN addressed the Council relative to this agenda item and stated that Sergeant JIM HALSTED, a master instructor in the use of tasers is present and will highlight a brief power point presentation.

MAYOR DUNN commented on the fact that the purchase of tasers was an item that is anticipated to be included as part of the upcoming budget but said that it is his understanding that an opportunity exists, if the City acts without delay, to purchase the equipment at a considerable discount.

City Manager DONNA DRESKA advised that City Staff was in the process of moving forward with three separate proposals related to tasers for discussion and consideration during the upcoming budget process. She added that Taser International had also been working with the Police Department relative to a cost savings opportunity. She stated that it had been represented that if the Council did not act this evening to approve the purchase of the equipment the savings would not be realized. She emphasized that Chief Neuman has had conversations with representatives from Taser International who indicated that they would be able to accommodate a slight delay to allow the City an opportunity to determine whether funds were available with which to proceed with the purchase of the equipment this year. She noted that Staff was working towards that goal.

In response to a question from the Mayor, Chief Neuman advised that the number 300 is being used because the Police Department has a total of 300 sworn officers in its employ. He added the opinion that of the 300 officers, 250 "first responders" should be outfitted with the equipment.

COUNCILMEMBER CACCAMO asked whether an option existed to place a deposit down on the purchase of the tasers, obtain the equipment and complete the remainder of the purchase when funds were available during the next fiscal year. Chief Neuman responded that he thought this was in fact an option that could be pursued.

COUNCILMEMBER WALLACE asked Chief Neuman to outline the three separate taser proposals that were previously mentioned by the City Manager. Chief Neuman stated that Staff was looking into the purchase of 100 tasers that would enable the Department to place the equipment in the hands of some of its field/patrol officers. In addition, Staff was pursuing a proposal to purchase 200 tasers and said that a majority of "first responders" could then be outfitted with the equipment. He reported that the third proposal being looked at by Staff involved the purchase of 300 tasers to outfit all of the officers within the Department.

COUNCILMEMBER WALLACE asked whether the equipment is something that every officer, working in the capacity of a "first responder" needs or whether the equipment could be "checked in" at the end of a shift and passed on to the next shift for use. She also asked how many "first responders" are assigned to each shift. CHIEF NEUMAN responded that during busier times approximately 30 to 45 officers serve in that capacity per shift. He added that the taser equipment contains a number of unique features and provides specific data that pertains to each

individual taser. He stated the opinion that the presentation that will be highlighted by Sergeant Halsted will better address Councilmember Wallace's questions.

SERGEANT HALSTED highlighted a brief power point presentation on the taser equipment. He noted that he has served as a member of the Chandler Police Department for 16.5 years and has been involved with the taser program since 1997. He added that since that time he has worked with Taser International and our agency in providing training to officers in State as well as across the nation and discussed the tremendous interest that has been generated relative to the use of this equipment to enhance safety and save lives.

Discussion ensued relative to a study that was conducted by the Orange County Sheriff's Department in Florida which outlined how the taser was deployed from 1999 to 2002; the fact that the study clearly indicated significant reductions in the areas of chemical force, physical force, firearms, use of K-9 units and impact weapons; the fact that chemical force itself was reduced by 79% during that period of time, while the use of firearms decreased 78%; the fact that the study shows that a majority of the uses that they have are turning out to be tasers and the fact that the difference between a taser use and any of the other force options is that the other options cause injuries both to officers and to suspects; the fact that the study also reflected a dramatic decrease in the number of incidents, 120 in 2000 down to 24 in 2002; the fact that Orange County, Florida, is a fully deployed field operations unit and every officer has been provided taser equipment; and the fact that aggressive use and the intervention with taser equipment early on in situations can prevent lethal force from having to be used.

SERGEANT HALSTED noted that both the City of Phoenix and the Los Angeles Sheriff's Department also conducted studies and utilize the equipment, the fact that the Sheriff's Department determined (theoretically) that prior use of the taser equipment would have saved the Department over \$2.5 million in liability costs; anticipated life saving results and the fact that the equipment demonstrates the most impact when provided to patrol officers or "first responders;" the fact that during a majority of incidents that occurred, the mere presence of the equipment has accomplished compliance because people are wary of having this technology applied to them.

SERGEANT HALSTED also commented on the medical safety aspects of the equipment and reported that the tasers will not result in any physical injury. He added that 50,000 estimated uses have occurred throughout the world, including over 2,500 documented field uses, and reported that not one death has been attributed to the use of this equipment. He noted that the equipment uses a person's central nervous system as a vehicle to apply electricity and no long-term effects occur. He said that if the darts are used, small band-aids are applied to the tiny puncture wounds and that is the only effect of the equipment's use.

Additional discussion ensued relative to study results and resulting conclusions.

In response to a question from COUNCILMEMBER BRUNO, Sergeant Halsted reported that the training is approximately five hours long. He added that the Department is currently in the process of re-certifying officers in the use of tasers and explained that this is to update them on policies, procedures and any modifications that might have occurred to the equipment. He noted that approximately 40 to 50 officers could be trained in one day.

VICE MAYOR HUGGINS commented on the fact that officers depend on having equipment issued solely to them and emphasized the importance of providing them this measure of security and allowing them the benefit of knowing that the equipment is operable because they are the ones who maintain it.

COUNCILMEMBER ANDERSON asked whether the information contained in the taser's data chips has been upheld in a court of law and saved police officers' careers. SERGEANT HALSTED responded that there has been a case where an officer lost his job because the data was used to determine that he was excessive in the force he used against the suspect. He added that it has also prevented litigation from occurring because false allegations can be brought to light and discarded.

SERGEANT HALSTED responded to various questions posed by the members of the Council relative to the taser equipment and the way it operates. He referred to a sample displayed in the Council Chambers and explained the makeup and potential operation of the safety equipment. He showed a brief video that depicted the effects on Lt. Upshaw when he was hit by a taser.

Additional discussion ensued relative to the facts that tasers work off of electricity, that although it creates pain, it does not result in injury, that the taser is effective up to a distance of 21 feet, that very minimal injuries have resulted from falls occurring after suspects have been hit by a taser ray, potential technological upgrades and that the current equipment would serve the department for many years, that the department currently has 40 tasers in use, equipment supplied by the vendor that will be used for training purposes if the additional equipment is approved, that the tasers are "single use" weapons but officers carry two cartridges each so that another shot may be fired, and Staff's intent to ensure that the color of all field tasers be consistent and staff's preference that the color yellow be used for this purpose.

COUNCILMEMBER CACCAMO asked if there was data available on injuries due to falls. SERGEANT HALSTED replied that the data is very minimal, but what the officers train to do is to use the least amount of force to allow the person to be taken into custody.

COUNCILMEMBER WESTBROOKS asked how often the technology changes. SERGEANT HALSTED replied that the Police Department has gone through several generations of tasers with some of the first generation still in use. He explained although functionality remains somewhat the same, he believed these would serve the needs of the department for sometime to come. Since the current tasers were donated by Taser, International they vary in color from blue, green and black and he stressed the importance of being consistent with the colors. He stated the conversion would be to all yellow.

COUNCILMEMBER WALLACE asked how many tasers the department currently owned. SERGEANT HALSTED responded 40, however, the department would like to replace all of the units to provide consistency in color. He stated the other 40 could be used for training or as a temporary replacement if a taser goes out of service.

MAYOR DUNN asked whether lethal force would be eliminated as a result of the use of this specialized equipment. SERGEANT HALSTED responded that unfortunately in some situations the only recourse might be to initiate lethal action. He agreed that the equipment will lessen the use of lethal force and added that extensive training on use of force will be part of the overall instruction process.

COUNCILMEMBER WALLACE asked if the 40 tasers could be used by the officers who were in schools or attending training, rather than to replace those 40. SERGEANT HALSTED explained it would not be his recommendation that this occur.

MAYOR DUNN stated, in his opinion, the only reason for proceeding with the purchase of this item prior to the budget year would be the potential to save a life. He asked how quickly the officers could be equipped with the tasers and was advised that the officers could use the tasers

immediately. The Sergeant added that full deployment/training/schedule coordination would take approximately thirty days with a majority of field operations being certified within a week to two weeks maximum upon commencement. SERGEANT HALSTED said that he is present this evening because he believes that it is absolutely crucial that the equipment be provided to Chandler's officers as quickly as possible. COUNCILMEMBER ANDERSON noted that the President of Taser International had indicated that the equipment could be delivered tomorrow if the Council approved the item this evening.

COUNCILMEMBER BRUNO stated the opinion that this is the type of issue that should be brought forward during the budget process. She noted that the Chief was working on options to be considered during that process and said that Council action tonight would circumvent that public process. She added that she does not want to be perceived as not in support of public safety if she does not vote in support of this item this evening and reiterated her opinion that a process is in place for acting on issues such as these and it should be followed. She agreed that the equipment is necessary and must be purchased and said that she respects Chief Neuman for his efforts in this regard but said that she would like the Council to discuss the issue during the budget process.

COUNCILMEMBER CACCAMO asked whether a deposit of \$5,000 could be placed on the equipment to allow the Police Department to obtain the equipment but not pay the balance until next fiscal year.

TOM SMITH, President of Taser International, stated that this company has worked very closely with the Police Department in Chandler for many years and one of the options that has been offered is that with a deposit of \$5,000, the company would deliver the equipment tomorrow and payment could be deferred until the next budget year (July). He said that the offer has been made because his company would like to make the equipment available to Chandler's officers as quickly as possible.

MAYOR DUNN asked what the cost was per taser unit and Mr. Smith reported that the weapon itself costs \$399.95 each and on top of that costs for accessories such as cartridges, holsters and training/deployment materials need to be added. He said that an estimated total cost per unit with the added equipment is \$700 to \$750 to outfit each officer with the equipment. Mr. Smith noted that there is one other vendor that manufactures this equipment. He said that the other company is based in California and does not offer units with the 26 power level that is being offered by Taser International.

In response to a question from Mayor Dunn, DONNA DRESKA reported that the equipment may very well be the best in existence at the very best price but noted that the City did not go out to bid for the equipment. She commented that obviously Staff is very supportive of proceeding with the purchase of the equipment and commended Sergeant Halsted on his presentation. Ms. Dreska agreed that the equipment is a valuable tool.

MS. DRESKA noted that Staff's concerns relate to the manner in which this issue has been brought forward and pointed out that it is unusual for a vendor to deal directly with a member of the Council. She added that a process is in place to be followed in situations such as this and cautioned against setting a precedent that other City departments will want to pursue as well. She commented, however, that because the equipment involves a life safety item and is something that can aid Chandler's officers, time was devoted all day yesterday to preparing this item for presentation.

MAYOR DUNN asked the City Attorney to comment on any concerns he may have regarding proceeding with only one vendor without benefit of going out to bid. MR. O'NEILL responded that when he was first contacted yesterday regarding this matter, he believes that the Police Department was under the impression that the equipment was a sole source item. He added that the item itself is basically self-source since it is the only one containing a memory chip and distance/power abilities desired by the Department. He stated the opinion that it is appropriate to look at just this item since it meets the needs of the City and provides specific performance enhancements and safety values. He also commented on the fact that another vendor exists that manufactures tasers and said that when he found this out he directed Purchasing Staff to contact the vendor and get a price quote from them. He said that as far as the Council's questions relative to price, Mesa has recently purchased this item and the County is approving a similar purchase this evening. He reported that based on their bid numbers and multiplying by the number of units Chandler will be receiving, the City will realize a savings of approximately \$23,000 in the purchase of the equipment compared to the other two jurisdictions.

In response to a request for input from the Mayor, MS. DRESKA advised that per Council request, Staff has identified the various accounts that funding could be taken out of to purchase the equipment. She noted that funding items available consist of the following:

Vice Mayor Huggins' Account	\$ 2,500
Councilmember Anderson's Account	2,500
City Council Contingency	82,828
Police Department Salary Savings	<u>105,811</u>

Total Cost of Tasers: \$193,639

Total Available Funding based on above \$193,639

MS. DRESKA commented on the fact that utilizing funds from the Vice Mayor and Councilmember Anderson's accounts would limit their future expenditures and a desire may exist to identify a different funding source. She also noted that although \$82,828 remains in the City Council contingency fund, this figure "presumes" that an \$11,520 would be taken out for the Police Operational Review unless that was removed (allowing the monies to become available and be used in place of the \$2,500 from the both the Vice Mayor and Councilmember Anderson's accounts, if they so desire).

MS. DRESKA also noted Management Services has identified additional Police Department salary savings as well that could be made available to cover the \$5,000 expenditure.

In response to a question from COUNCILMEMBER WALLACE relative to costs associated with training, where the funding would come from for the training and whether the costs would be any different than those associated with other types of training, CHIEF NEUMAN stated that he has not had the opportunity to review the financial implications associated with the training other than the fact that officers are typically brought in for training on their days off and are either given comp time or are paid for the training hours.

COMMANDER BLAINE commented that training costs would represent a substantial sum of money when taking into account that 300 officers would have to be trained. He noted that previous estimates for training in other areas totaled \$136,000 and said he does not remember exactly how many hours of training each officer would have been provided.

COUNCILMEMBER WALLACE stated the opinion that training costs should be considered part of the overall costs associated with this issue. She said that she is very supportive of providing Chandler's Police Officers with the most up to date, effective safety equipment but added that at the same time, all of the costs should be looked at prior to proceeding.

COUNCILMEMBER WALLACE asked the Chief to outline the proposals he was preparing to bring forth. CHIEF NEUMAN responded the three proposals were to equip 300 officers, 200 officers and 100 officers with the tasers and stated that Taser International had also brought forward a proposal that involved "lease agreements" and their current proposal being discussed (involving a deposit and balance paid during next the Fiscal Year, in July).

MAYOR DUNN asked if there was an opportunity to address the training costs in along with the payment in the budget process.

MS. DRESKA responded that staff could work up the cost of the training. Department salary savings left over at the end of the fiscal year are returned to the general fund to fund all of the general fund expenditures. The current year anticipated department salary savings could also be available for training.

COUNCILMEMBER ANDERSON commented on the fact that he and the Vice Mayor discussed funding issues and agreed to allow \$2,500 from each of their Council accounts to be used for this purpose. He added that the options that the City Manager has brought forward as a means of accomplishing this through this year's budget are acceptable as well. In response to a question from Councilmember Anderson, Ms. Dreska confirmed that there are two other items that could be made available to cover the costs, (\$11,000 from Police Operational Review and \$5,000 from Police Department salary savings).

COUNCILMEMBER WALLACE asked the City Manager to address the issue of training costs and where those funds would come from. Ms. Dreska said that one potential source is the Department salary savings that have been identified by the Management Services Department as an available source (presuming that that amount of savings is available). She added that other options would have to be evaluated and noted that Staff is not prepared to address those options at this time. Councilmember Wallace commented that if the Council chose to proceed with this item this evening, they could take advantage of the offer to put \$5,000 down and then use those dollars that have been identified by Management Services' staff for the training. Ms. Dreska concurred with Councilmember Wallace's summation. She added that what they would be saying, in essence, is that the number one priority for the one-time funds available next year is the payment for the tasers.

MAYOR DUNN commented that efforts should also be expended to keep training costs at a minimum and Chief Neuman said that every effort would be made to accomplish that goal.

VICE MAYOR HUGGINS noted that Chief Neuman agreed the officers are required are required to have a minimal of 44 hours of training a year and training for the tasers could be rolled into that. Ms. Dreska commented on the fact that the Chief has not had adequate time to thoroughly evaluate this matter and said that the entire issue would have to be looked into in order to respond to the Vice Mayor's comments and provide an accurate estimate of costs.

COUNCILMEMBER WESTBROOKS commented that the information presented to the Council indicates that the Council's contingency fund amounts to \$82,828 and asked how that figure was arrived at and whether that figure represents the "limit" on those funds. MS. DRESKA responded that use of those funds would deplete the City Council contingency fund if the \$11,520

Operational Review line item was used as well. She commented that the Police Department does not have a contingency line item for these types of purchases. She said that Staff's thinking was that if this issue was a Council priority, then a portion of the costs could be charged to this area.

In response to a question from COUNCILMEMBER WESTBROOKS, Management Services Director PAT WALKER responded that there is a 15% Contingency Reserve Fund that exists within the General Fund. She estimated that this fund amounts to approximately \$20 million.

COUNCILMEMBER WESTBROOKS stated the opinion that if the Council decides that this issue is a priority, the funds will be made available. He added that if the Council wants to delay action on this item and go through the normal budget process, then the Council has to make that decision as this time. He noted that there is \$20 million in the Contingency Reserve Fund that could be used. He also commented on training and said that it may cost a little bit more or it may be able to be accomplished without benefit of comp or overtime pay, as part of the Department's typically allocated (44 hour) training process. He said that he does have some concerns regarding the manner in which this issue was brought forward but added that tasers represent a major priority and a decision should be made without further delay either to proceed at this time or go through the normal budget process.

COUNCILMEMBER WESTBROOKS also commented on the fact that contingency funds were recently spent on an architectural design program because the Council determined that it was appropriate and important to proceed with the project. He added that this proves that funds are available and are just a matter of priority.

MAYOR DUNN reminded the Council that when it comes to the City's main contingency fund, it is important that they stick to the policy of not using one-time monies for something that might require some operational and maintenance funding. He added that he does not believe that there would be a lot of those expenses associated with this particular item but said that he would prefer that they follow the recommendations of the City Manager relative to funding the tasers.

MAYOR DUNN commented on the importance of timing and said that if the Council believes that the matter should proceed without delay, an emergency motion that would allow the equipment to be distributed as quickly as possible and that might result in saving lives and provide Chandler's officers with options in dealing with issues of lethal force, is appropriate and should be approved. He said that he believes the only issue that needs to be addressed is whether to utilize the contingency funds in Councilmember Anderson and Vice Mayor Huggins' accounts for this purpose.

COUNCILMEMBER ANDERSON said that he would be willing to leave the \$2,500 funds in his contingency account available for use if the City Manager determines that this option should be pursued. VICE MAYOR HUGGINS agreed with Councilmember Anderson's comment.

MOVED BY COUNCILMEMBER ANDERSON, SECONDED BY VICE MAYOR HUGGINS, to approve the purchase of the 300 tasers and related equipment from Taser International, in the amount of \$193,639.00, as recommended by Staff.

In response to a request from COUNCILMEMBER CACCAMO, the Mayor clarified that the motion is to proceed with the recommendations offered by the City Manager relative to proceeding with a \$5,000 down payment and then proceed with future payment pursuant to Staff's recommendations with the possibility that if funds are identified that can be used other

than the \$5,000 from the individual Councilmembers' contingency accounts, the option would be pursued.

MS. DRESKA also clarified that her understanding is that the motion will allow Staff to proceed with the full purchase of the equipment. MAYOR DUNN concurred with her comment and added that the remainder of the purchase price would be due in July. MS. DRESKA commented that this would not be the case.

Discussion ensued relative to the fact that the motion is to follow the City Manager's recommendation and that is to make full payment at this time. The Mayor stated that he thought the motion involved approving an initial down payment and said that the balance would not be due until July. He added that they are only talking about a few months and it really didn't matter whether they proceeded at this time or delayed until July.

MS. DRESKA commented that Staff has identified ongoing funds that are available right now for this purpose.

COUNCILMEMBER WESTBROOKS said that although he understands the current motion, he prefers proceeding with the \$5,000 deposit at this time with the balance being paid on or after July 1st in the new Fiscal Year as part of the new budget cycle. He added that this would eliminate the need to take monies out of the City Council contingency accounts as well as the Police Department salary account.

MS. DRESKA recommended that if the Council would like to proceed with the down payment option, that the \$5,000 be taken out of Police Department salary savings rather than remove the funds from the Vice Mayor and Councilmember Anderson's contingency accounts, since those accounts are already significantly low.

MOVED BY COUNCILMEMBER ANDERSON, SECONDED BY VICE MAYOR HUGGINS, to amend the motion to state that \$5,000 from Police Department salary savings be used as a down payment on the purchase of the tasers and that the remaining one-time available funds be taken out of next fiscal year's budget, adopted on or after July 1, 2003.

In response to a question from the Mayor, City Attorney DENNIS O'NEILL clarified that the motion maker, with the permission of the second, could amend the motion. Councilmember Anderson stated that it was his intent to make an amendment to the motion. He said that it was his understanding when this item was first brought forward by the vendor that he wanted to charge interest for that period of time. He stressed the importance of verifying this matter prior to proceeding.

COUNCILMEMBER ANDERSON commented that in accordance with State law, the vendor is required to charge interest and reported that the amount of that interest is \$1,500. He added that the vendor has agreed to give the City an additional discount in that amount, so that no interest has to be paid by the City.

MS. PAT WALKER confirmed that the remainder of the funds would come from the top of next year's one-time funds.

COUNCILMEMBER WALLACE said that she hopes that when Staff provided her with a training cost figure in the amount of \$136,000 for the previous holster issue, they reiterated that they had taken into account "overlap" costs when arriving at that amount in an effort to bring forward the

lowest possible figure. She added that in this case, if the Council supports the amendment, it would allow the \$105,000 in the Police Department's salary savings to be used for the training.

In response to a request for clarification from the Mayor, MS. DRESKA stated the opinion that this would simply be adopted within the budget, as a budget item, and added that the action taken by the Council this evening will actually obligate that. She said that if the Council decides to proceed in this manner, funds would be available within the Police Department salary savings to allow immediate training to take place.

COUNCILMEMBER BRUNO requested that the City Manager, at the next Council retreat, place an item on the agenda for discussion relative to Council involvement in vendor negotiations. She commented that actions such as this has occurred in the past as well and said that it is not the responsibility of the members of the Council to carry on negotiations. She stated that she would like to review, at the retreat, the role of the Council in such actions and legalities surrounding the matter.

MAYOR DUNN clarified that the Council has before them an amended motion to proceed differently with the funding of the item, involving a down payment of \$5,000 from the Police Department salary savings, and the remaining funds coming out of reserves. He added that the realization also exists that the cost of training will come out of Police Department salary savings. He said that if the motion were approved, then the main motion would be voted upon as amended (two yes votes to proceed in this manner).

The Mayor asked the Council to vote on the amendment at this time.

THE MOTION TO AMEND CARRIED BY MAJORITY VOTE (6 to 1) with COUNCILMEMBER BRUNO voting Nay.

The Mayor asked the Council to vote on the main motion as amended at this time.

THE AMENDED MOTION CARRIED BY MAJORITY VOTE (6 TO 1) with COUNCILMEMBER BRUNO voting Nay.

MAYOR DUNN thanked the Council for their efforts and declared a brief recess at 9:15 p.m. The meeting resumed at 9:30 p.m.

31. PURCHASE: 150 Fire Panels for the City's entire fleet of Ford Crown Victorias & Chevrolet Tahoes from FIRE Panel, L.L.C., sole source purchase, in the amount of \$51,978.71.

MAYOR DUNN referred to a previous presentation that was made by the members of the Chandler Police Department relative to the addition of an item in patrol cars that is relatively inexpensive yet would provide additional safety to the officers, specifically a shield or fire panel that would actually (in the case of a rear-end collision of significant force) disintegrate and provide a fire retardant dust to the back of the vehicle. He added that if there was a leak in the gas tank, this added safety measure would help to put out any resulting fire immediately, and would enhance the safety of the officers. He said that the question might arise, why does the City want to proceed with the shields when they have already installed the fuel bladders and noted that nothing is 100% effective and the more safety enhancements the City can provide its officers, the better.

In response to a request for input from the Mayor, City Manager DONNA DRESKA noted that 150 panels would outfit all of the City's vehicles and allow a few extra to be kept on hand and used as replacements. She noted that City Staff has the ability to install the panels themselves, without outside assistance. Ms. Dreska also discussed funding and said that it would be her recommendation that the funds be taken out of the Police Department capital account and noted that sufficient funds are available to proceed in this manner. She explained that there are certain capital items that the Police Department will not be able to get out to bid and added that therefore the funds are available and are one-time purchases. She noted that the purchase amount would be replenished during the next budget year.

COUNCILMEMBER WALLACE commented that she is happy to see this come forward and emphasized the importance of providing officers with optimum safety equipment.

MOVED BY VICE MAYOR HUGGINS, SECONDED BY COUNCILMEMBER CACCAMO, to approve the purchase of 150 fire panels for the City's entire fleet of Ford Crown Victorias and Chevrolet Tahoes from FIRE Panel, L.L.C., sole source purchase, in the amount of \$51,978.71, as recommended by Staff.

MAYOR DUNN asked if there was any present in the audience to wishing to speak on this item. There were no comments from the audience.

COUNCILMEMBER WESTBROOKS said that this item is similar to the previous item and commented on the fact that Councilmembers do in fact bring such items forward. He agreed with the importance of providing optimum safety and added that the questions he would like to raise are "why now" and how long will it take to obtain and install the shields.

Officer MANNY CHAVEZ said that the fire panels are a different type of safety product and serve as an enhancement to the bladders and the shields that the City already has. He stressed the importance of proceeding with the installation of the enhanced safety measure as quickly as possible in order to provide the best available protection. He said that he has had conversations with the Company relative to timeframes and was advised that the panels themselves have to be "retooled" and should be completed by the end of April, beginning of May. He noted that installation time takes approximately five to ten minutes per vehicle and estimated that the project could be completed by May 31st. He provided a brief overview of exactly what the shields are and what they are expected to accomplish in terms of enhanced safety.

COUNCILMEMBER WESTBROOKS noted that testing was done under high speed conditions (82 miles-per-hour).

COUNCILMEMBER CACCAMO asked what type of fire retardant material is used in the shields and was advised that the manufacturer has advised that it is the same type that would be used in a household kitchen fire, at a business or in a garage. He indicated his willingness to research this further and find out exactly what chemicals are contained in the product. He emphasized that the Department is satisfied with the reliability and safety standards associated with this particular product.

MAYOR DUNN commented that this item represents the continuation of a Council policy that has already been adopted in ensuring that the Police Department's Crown Victoria and Chevrolet Tahoe vehicles are as safe as they can possibly be. He added that the purchase and installation of the additional equipment is appropriate and necessary and called for the vote on this matter.

MOTION CARRIED UNANIMOUSLY (7 TO 0).

29. AGREEMENT: Maximus/Police Department Organizational Review

City Manager DONNA DRESKA stated that this agenda item involves a Police Department Organizational Review by Maximus, in an amount not to exceed \$192,668.00, as recommended by Staff. She advised that a representative from Maximus is present in the audience to respond to questions relative to the proposed review. Ms. Dreska said that at the November 21, 2002 City Council meeting, direction was given to the City Manager to locate an independent, unbiased agency to conduct an operational review of the City of Chandler Police Department. She added that at that meeting a targeted date of late February was established to bring this issue back to the City Council. She noted that the various topics identified to be covered at that time included training, civilian and sworn relations and operations, relationships with other departments and divisions, internal structures including communications, promotions, hiring, discipline consistencies, the identification of mission critical areas in reviewing practices, identifying best management practices, reviewing the organizational climate, employee relations and perceptions, a random review of incidents, comparing policies and practices. She said that in addition, the Council re-emphasized some of those specific areas and highlighted labor relations, resources to provide services, staffing, victims' assistance, major incidents reviews, pursuits, response times, communication to press and families of victims, technical strategies, citizen input and methods of improving operations and effectiveness.

MS. DRESKA noted that the aforementioned direction was given by a unanimous vote of the Council and was all incorporated into the Request for Proposals (RFP). She said that at the January 9, 2003 Council meeting, additional direction was given to the Staff to add to the proposed study while the RFP was already on the street. The added scope included direction to include a review of the Sierra Palms incident, direction to include a review of an east valley Metro S.W.A.T. Unit and review of Council participation in the Department as a specific item. Staff informed Council that the additional assignments would extend the date to March.

MS. DRESKA reported that Staff drafted an RFP after the initial meeting in November to be sent to various firms (over 100) and responses were expected back in January. She said that the date was later extended somewhat because of the addendums presented at the January meeting.

MS. DRESKA stated that a citizen review committee was established comprised of citizens, outside managerial staff, Police Department Staff and City Manager's Office staff. The members were: Marguerite Munkachy, Rick Heumann, Ernie Serrano, Jr., Dino Felix, Prisila Ferreira, Lt. Matt Christensen, Sgt. Keith Benjamin, Sgt. Mike Armentrout, Officer Sue Schilling, Vicki Szczepkowski, Rich Dlugas and Marian Stanley. She stated the Robert Descheemaker and she were the non-voting members. Ms. Dreska stated she particularly wanted to thank Marian Stanley for all of her efforts in coordinating and communicating with all parties involved. She went on to report that five responses were received in response to the RFP ranging in cost from \$40,000 to \$1.2 million and, following an extensive review, the Committee narrowed the companies down to two, interviews and selections took place. The committee then selected Maximus as being the most qualified provider and possesses extensive experience in the field. Maximus will bring in experts to review the Sierra Palms incident, including a command staff and a member of a Kansas S.W.A.T. team. They were able to provide an extensive list of references that shows the firm has extensive citizen involvement expertise. Following extensive discussions, Maximus has agreed to eliminate areas of research that represented redundancies/duplication of effort and therefore reduced costs associated with conducting the review. Ms. Dreska said that there would be an \$11,520 savings if it was Council's desire to eliminate the Council impact item. The consultant is under the belief that this type of information would come out naturally in the discussions on communications.

VICE MAYOR HUGGINS stated that when he made that amendment to include a review of the Council he did not ever believe the price to incorporate that item would amount to that dollar amount and it was his intent for it to be included as part of the review, but not as an \$11,000 item.

MS. DRESKA noted that Maximus has a team of experts in place and is ready, willing and able to proceed with the review and said that staff wholeheartedly supports proceeding with a study conducted by this reputable, experienced and professional firm. She stated the opinion that an independent, unbiased review will identify the strengths of the Department as well as areas that need improvement and will provide the City and the new Police Chief with a workplan. She added that whether justified or not, events and issues that have been raised do raise questions relative to overall management and department performance and stated the opinion that the most appropriate course of action is to engage the services of this professional firm to research the various issues and report their findings and recommendations. She said that the evaluation is necessary for both the public and the employees of the Department and the organization as a whole and is necessary in order to restore public trust, address the perceptions of the Department, and to restore the confidence and morale of the Department members. Ms. Dreska stated that the review could be accomplished in sixteen weeks.

In response to questions from Vice Mayor Huggins, MS. DRESKA responded that the low bid that was received was submitted by a firm that did not possess specific experience in this area and explained that the wide range in responses is attributable to the expertise possessed by the firms and the proposed scope of studies. She added that the difference in cost between the final two bidders was \$60,000 and Staff's opinion that Maximus' experience and scope far outweighs that of the other bidder.

CRAIG FRAZIER, representing Maximus, provided brief background information relative to his company and stated the opinion that accreditation is a very good tool to ensure that all of the written directives, policies and procedural guidelines governing major Police Department operations are in place. He added the opinion that accreditation is an excellent starting point for a very professional Department. He commented that an organization review of this type allows an examination of "how" those directives are implemented and said that if the accreditation shows you "what" you should do, an organization review probes "how" you do the things that you do, the things that don't come across through a series of written directives, how people communicate with each other, how things actually work on the street, etc.

COUNCILMEMBER WESTBROOKS commented that he is familiar with the accreditation process and appreciates the clarification that has been presented, particularly in view of the fact that concerns have been expressed relative to duplication of efforts. He expressed concern relative to staffing and noted that the Department does not meet the national standards for staffing, mainly because of budgetary issues. He said that his concern revolves around staffing in appropriate areas and the appropriate use of resources in crisis/emergency situations. He asked how Maximus' proposal addressed issues such as this.

MR. FRAZIER noted that there are no national standards in place that apply to staffing and said that there are ratios for officers per population but added that these figures are really not very useful when you are looking at various Departments and do not adequately expound upon how the various departments utilize the resources at their disposal to address particular problems in certain jurisdictions. He explained that part of Maximus' proposal would be to examine how patrol time is utilized in three different areas, how much of the time is being consumed by calls for service from the citizens, how much time is being consumed by activities that officers initiate on their own, and how much of their time is being consumed by administrative type activities. He

added that in-depth analysis such as this would provide a good idea of the "mix" that exists and whether an appropriate number of patrol officers are in place to carry out their responsibilities.

MR. FRAZIER added that the other part of Maximus' proposal will look at all of the positions within the Department to determine, given the needs of the community, (which is one of the targeted starting points) whether the staff, the training, the expertise in the Department exists to deliver that type of policing. He noted that some Departments might want much higher response to low priority calls than perhaps another Department does, some Departments may have more critical incidents because of the nature of the population and demographics and a need may exist still in others for a more technical response unit. He emphasized that Maximus' first part of the study is to understand those sorts of needs in Chandler so that they can say "this is what the Department should look like in terms of staffing, here are the roles that people should play." He added that they will look into such things as investigations and investigative workloads, they will need to know the kind of crimes that have been reported because that will tell them what kind of expertise the Department needs in its investigative unit (identity theft, robberies, etc.).

COUNCILMEMBER WESTBROOKS asked Mr. Frazier how the company would assess the growth capacity of a City, including current operations and issues versus strategic planning, potential growth and other such factors. MR. FRAZIER responded that Maximus would work closely with the City and expend significant effort to understand the economic development projection models.

COUNCILMEMBER WALLACE indicated that she was pleased with the depth of the group's proposal and their plan to look at the "big picture." She asked whether a review of disciplinary actions would include former employees as well. MR. FRAZIER indicated that former employees would not be included but added that the information could be included in the final work plan at no additional cost if that was the desire of the Council. COUNCILMEMBER WALLACE added that the company's proposal represents an excellent, comprehensive submittal and is very much what she envisioned the City of Chandler would undergo.

COUNCILMEMBER ANDERSON asked how resulting proposals would be implemented once the review has been completed. He commented on the fact that he had not realized a review would be as costly as it is obviously will be and wants to be sure that the work and money spent will ultimately positively benefit the Department and the City of Chandler.

MS. DRESKA responded that the consultant will perform the review and will bring back recommendations. She added that the new Police Chief, his Department and Staff will review it and the findings of the study will be used as a work plan and will help set priorities in areas that he or she will want to focus on. She noted that the new Chief may want to set certain things aside and conduct an assessment, so there may be items that they choose not to pursue based on the City of Chandler and its specific requirements.

In response to comments from COUNCILMEMBER BRUNO, the Vice Mayor stated that he has spoken with the City Manager and is totally convinced that police officers will be interviewed to determine what the Council can do to positively impact the overall operations of the Department. He commented on his intention to remove the \$11,000 Council contingency figure contained in the proposal.

MS. DRESKA commented that if a motion and amendment were made relative to costs contained in the proposal, the actual Council contingency figure referred to by the Vice Mayor would actually be \$11,520.

COUNCILMEMBER WESTBROOKS said that he firmly believes in the importance of conducting an organization review and added that the employees need to be surveyed. He also stressed the importance of gaining up front citizen input as well as conducting a review of the Sierra Palms incident. He stated the opinion that these actions will drive and prioritize the rest of the review.

MOVED BY COUNCILMEMBER WESTBROOKS, SECONDED BY VICE MAYOR HUGGINS, to award Agreement PD3-0895-1997 for the Police Department Organization Review to Maximus, in an amount not to exceed \$181,480.00 (based on a not to exceed original amount of \$192,668 minus the \$11,520 in Council Contingency Funds), with an amendment in a form approved by the City Attorney setting forth that Maximus proceed with the project initiation, citizen input, and Sierra Palms review and report back in writing by May 1, 2003, with citizen input and the results, and that the Council have the option of amending the list of designated tasks at the May 8th Council meeting if Council decides to add or delete tasks, the fees shall be either reduced or added in the amount designated for that task. In addition, City Staff shall conduct a survey of the Police Department personnel, based on the categories listed in the review, in order to receive input for prioritizing areas needing review. The survey results should have breakdowns by gender, ethnic minority groups, civilian and sworn, longevity, line staff and management and the City Staff should report back with results of the survey within thirty (30) days.

MR. FRAZIER commented that it would be difficult for his firm to carry out the motion since his technical experts will not be available until May because of prior commitments. He noted that they are the individuals charged with the review of the Sierra Palms incident and said that this part of the study could not begin until early May.

MAYOR DUNN commented on his understanding that the operational review will involve the survey of officers and employees and includes a citizen input component. He asked Mr. Frazier to address these items. MR. FRAZIER responded that the items are set forth in the order listed by the Mayor and added that although surveys are included, their intent was to use a series of one on one interviews with department members along with small focus groups which tends to give a more effective information about the environment of the department. However, if the Council agrees a survey be complete, then they would incorporate that into the final work plan. He added that in-depth citizen input would be collected and commented on two large forums that will be conducted with a series of "break-outs" as well as five separate focus groups.

In response to comments from COUNCILMEMBER WESTBROOKS, Mr. Frazier agreed that the review would include statistically valid and reliable data as well as open-ended discussion. He noted that one of the difficulties associated with having "reliable and valid data" from a statistical sense is the fact that a sample would not be done, rather a survey of the complete population would be conducted, therefore if everyone responds, then "valid and reliable" total population data from a statistical sense will be obtained. He added, however, that if they don't receive a 100% response, there is no way of determining whether some bias exists on the part of non-responders and because you can't compel someone to complete the survey, input can be obtained but it would be impossible to guarantee the data's "validity and reliability."

Additional discussion ensued relative to the surveys and determining response results from the various demographic areas and the use of this as another "tool," and the importance of soliciting employee input relative to the organization review.

MAYOR DUNN said it is his understanding that the motion is to "piece-meal" the operational review to just a few items initially, and to then come back before the Council for a review of the findings and possible revision to the propose scope of work, which may reduce or increase the

cost. He added that this would most likely involve a new "team" and asked the City Manager for input on this matter.

MS. DRESKA responded that according to the motion, depending upon the results of the studies, this may very well be the case and said she does not believe that they can predict what might come back from all of the Department members. She added that Staff had not anticipated proceeding in this manner when discussions took place in November and again in January. She noted that it appears Mr. Frazier can accommodate portions of the request but Staff and the provider will be returning to the Council to talk about a variety of things that very well may change the overall scope of the review.

MS. DRESKA added that this was a scope that was developed and the items were brought before the Council in November with amendments occurring in January and emphasized that this is what the senior management Staff believes needs to be looked at although it might not necessarily be what some of the other "rank and file" believes should go forward. She added that as the City's Chief Administrative Officer, she believes that these are the items that are necessary and recommended that they move forward with the entire scope of the proposal as outlined and recommended. She added that the survey could be accommodated and Mr. Frazier's suggestion that the results of those surveys be forwarded back to Maximus is appropriate and would guarantee that confidentiality remains in place.

MAYOR DUNN concurred with the comments expressed by Ms. Dreska and expressed concerns that eliminating portions of the review would hinder and take away from the overall process.

COUNCILMEMBER ANDERSON stressed the importance of looking at a survey of the Police Department employees prior to moving forward. He added the opinion that it would be good to go out to the citizens again for additional input and commended Councilmember Westbrooks on his recommendations.

COUNCILMEMBER BRUNO expressed concerns relative to changing the scope of the review. She said that although she agrees with the importance of obtaining citizen input, she doesn't want the results to come back in May with more changes to be made. She said that she is in favor of the motion except for the parts that have to do with making changes.

COUNCILMEMBER WALLACE commented that the current matrix and incorporation of the survey made sense. She added that she discussed the issue of the timeline with Dawn Snedigar and Mrs. Snedigar is comfortable with proceeding with the process as proposed. She said she would have concerns with changing the scope mid process.

MAYOR DUNN asked whether the survey could be incorporated into the process without changing the agreement that has been reached. Mr. Frazier responded that although the survey is not something that his company had anticipated doing, it could in fact be incorporated with no added costs. He added that the notion of an employee or departmental survey is accomplishable within the current scope and within the current cost. He also noted that if there was a citizen survey, that would represent a completely different story and would require a different type of effort and a variety of issues. He said that a citizen survey would definitely change the nature of the project.

MAYOR DUNN commented on the fact that within ten days of the contract being signed, Maximus could begin their work on the operational review. The Mayor discussed efforts that are being expended to hire a new Police Chief and MS. DRESKA reported that the City is in fact advertising for the position at this time. She outlined the tentative schedule relative to the

recruitment process and stated the opinion that a large number of applicants will apply. She added the opinion that the actual selection process will occur in October.

COUNCILMEMBER WESTBROOKS commented that the intent of his motion was not to delete items or change the scope of the review, but rather to get information from two key components, the citizens and the employees in the Department.

MR. FRAZIER said that perhaps the proposal did not explain some of the points clearly enough but noted that at the end of each of the segments, Maximus proposes to issue a draft report on each segment and added that the report will be forwarded to the steering committee for their review and input. He emphasized that there will be a series of reports that come in "early on" and help guide the rest of the process, such as the organizational climate, which begins during the first week.

COUNCILMEMBER CACCAMO said that he believes Councilmember Westbrooks amendment talks about looking at this process mid-way through for possible changes in direction/scope and expressed concerns relative to proceeding in this manner. He stated that sufficient direction has already been provided and although more survey data can be incorporated, he believes the overall review should continue on track as proposed.

MAYOR DUNN indicated his intention to amend the motion. He commented on the fact that in November the City Council approved a motion by a 7 to 0 vote to proceed with an operational review and much effort was expended in defining the scope of work. He noted that both public and employee input were received. He stated the opinion that the credibility of the entire Council is at stake and they should move forward. He said that he absolutely supports the Police Department and at the same time believes there is need for improvement within the Department. He added that the review would address both of those issues and bring the Department to a higher plateau.

MOVED BY MAYOR DUNN, SECONDED BY COUNCILMEMBER WALLACE, to amend the motion and award Agreement PD3-0895-1997 for the Police Department Organizational Review to Maximus, in an amount not to exceed \$181,148 (eliminating the Council review in the amount of \$11,520 from the original amount of \$192,668) and authorizing the Mayor to sign the agreement.

City Attorney DENNIS O'NEILL clarified that there is a motion on the table and the Mayor has made a motion to amend with different language, which is a motion to amend by substitution or in its entirety and is allowed, but pointed out that it is in fact a motion to amend and so the Council still has to go through the two vote process.

COUNCILMEMBER WALLACE concurred with the Mayor's comments and agreed that the Council's integrity is at stake. She cautioned against "micromanaging" the review through the process and emphasized that the entire integrity of the review would be jeopardized as a result of this action.

COUNCILMEMBER ANDERSON requested that Councilmember Westbrooks' original motion be repeated and said that he believes the intent of that motion is to obtain more information and, in the end, help the Police Department to accomplish its goals. He added that he believes it is extremely important to hear what the men and women of the Police Department think about their own operations. He stated that although he would like the review to go forward, he does not want

it to be tainted, and believes gathering as much information as possible is an important component of the overall process.

COUNCILMEMBER WESTBROOKS said it is not his intent to manipulate the process in any way and noted that he was the first one to publicly ask that a review of the Police Department be conducted. In response to a request from the City Clerk, Councilmember Westbrook once again read his original motion into the record.

COUNCILMEMBER CACCAMO said he has concerns with stopping in the middle of the process and commented on the importance of allowing Maximus to stick to its timeframe and complete their work according to the schedule they responded to in the RFP. He commented on the fact that Maximus has agreed to include the survey, at no extra cost, and said that he believes they should proceed as originally proposed.

MR. FRAZIER added that Maximus responded to a particular scope of work and any changes have potential to impact the schedule for resources and the overall timeline, although the survey discussed by Council, could be incorporated as part of the scope.

COUNCILMEMBER BRUNO stated that the Council had received an e-mail from Greg Carr, President of the Chandler Fraternal Order of Police relaying their support of the review and asking that the Council proceed with it.

MAYOR DUNN asked whether any citizens in the audience wished to speak on this agenda item at this time. There being none, the Mayor asked for the Council to vote on the motion to amend, which relates to conducting the operational review as submitted and recommended by the City Manager (minus the \$11,520 Council contingency funds for a total of \$181,148).

MOTION TO AMEND CARRIED BY MAJORITY VOTE (5 to 2) with Vice Mayor Huggins and Councilmember Anderson voting Nay.

The Mayor then asked the Council to vote on the original motion as amended.

MOTION CARRIED UNANIMOUSLY (7 to 0).

MAYOR DUNN stated that this represents a significant event for the City of Chandler and the Chandler Police Department and thanked the members of the Council and Staff for their efforts to date.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that the 3rd Annual Cesar Chavez dinner would be held tomorrow at the San Marcos Hotel. He commented that there will be a full house in attendance and thanked the members of Si Se Puede for their efforts.

He added that the Day of Sacrifice Clean Up would take place on Saturday at 8 a.m. at Gazelle Meadows Park (500 North Exeter). He stated that many City employees and other volunteers would be cleaning the neighborhood.

The Mayor stated that a Minority Small Business Workshop will be held next Wednesday and expressed appreciation to the Economic Development staff and Councilmember Westbrooks for their efforts in this regard. He noted that there are still openings available for this free workshop and encouraged citizens to contact the Economic Development Office for details.

The Mayor commented on the Merrill Gardens BBQ for public safety employees that he attended as well as the dedication ceremony he attended this afternoon for a new facility for the Foundation for Blind Children. He noted that Chandler is now the proud location of the East Valley Center.

The Mayor stated that tomorrow he would be working with the Mayor of Queen Creek, Wendy Feldman-Kerr, on the first Town Hall for the Maricopa Association of Governments. He noted that the event will be held for the purpose of gaining public input on transportation and reported that almost 200 non-elected leaders from across the community will be in attendance.

B. Councilmembers' Announcements:

COUNCILMEMBER CACAMO complimented Mayor Dunn on the manner in which he conducted the meeting, particularly the incident that occurred during the Scheduled Public Appearances.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 11:25 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 27th day of March 2003. I further certify that the meeting was duly called and held and that a quorum was present.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, April 10, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

Also in attendance:

Donna Dreska	City Manager
Pat McDermott	Assistant City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Nachie Marquez, Mark Eynatten, Chief Roxburgh, Pat Walker, Dave Siegel, Doug Ballard, Garrett Newland, Chief Neuman, Bryan Patterson.

INVOCATION: The invocation was given by Pastor Mark Fuller, Crossroads Nazarene Church.

PLEDGE OF ALLEGIANCE: Councilmember Bruno led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Proclamation - Spirit of America Day

MAYOR DUNN requested that JERRY MINNIS and other members of the American Revolution Color Guard, DAWN HINES, Vice Regent of the Arizona Daughters of the American Revolution and DON REED, Chair of the Elks Americanism Committee join him at the podium and accept on behalf of their organizations copies of a Proclamation he read in honor of Spirit of America Day. The Mayor said that it is appropriate that all Chandler citizens recognize the importance of this day in our history and pay tribute to the dedication of all those who served in that decisive battle. He added that it is his honor to proclaim April 19th, 2003 Spirit of America Day.

MS. HINES announced that a celebration has been planned for April 19th at Tumbleweed Park and encouraged attendance at the event. She noted that a Blood Drive has also been scheduled to take place. She added that a dinner would be held that evening at the Elks Club and said that it is open to the public and tickets are still available.

MR. REED, representing the Elks Lodge, invited Chandler citizens to attend the dinner and noted that several different entrees will be featured and guest speakers will make interesting and informative presentations. He introduced other members of the Elks organization present at the meeting, including a member of the American Red Cross who stated that the Red Cross began

140 years ago when Clara Barton helped the wounded soldiers during the Civil War. He thanked the City of Chandler for their ongoing support and the Mayor and Council for the Proclamation.

2. Proclamation - Fair Housing Month

MAYOR DUNN requested that EDDIE ENCINAS, Chair of the Chandler Housing and Redevelopment Committee, join him at the podium and accept on behalf of that organization a Proclamation in honor of Fair Housing Month. The Mayor stated that April 2003 marks the 30th anniversary of the passage of Title 8 of the Civil Rights Act of 1968, commonly known as the Federal Fair Housing Act. The Mayor said that it is his honor to proclaim the month of April 2003 Fair Housing Month in the City of Chandler.

MR. ENCINAS thanked the Mayor for the Proclamation and recognized a number of the members of the Housing and Redevelopment Committee present at the meeting. He also thanked the members of the Council, City Staff and the citizens of Chandler for their ongoing support.

3. Presentation - Safeway & Al Varga K9 Donation

MAYOR DUNN requested that AL VARGA, representing Safeway Grocery Stores, Chandler Police Officer STEVE WALTERS and "DUKE" and Chief Neuman join him at the podium. Sgt. Tom Lovejoy stated that the Chandler Police Department would like to take this opportunity to thank Mr. Varga and Safeway Grocery Stores for their generous contributions to the K9 Unit. He said that in 1999, Al Varga, who at that time was managing the Safeway Store located at Chandler Boulevard and Alma School Road, took it upon himself to sponsor the K9 Unit of the Chandler Police Department. He added that the decision was based upon his love for dogs and his desire to show support for the Police Department and since then he has coordinated many events at the store bringing the public and members of the K9 Unit together. Sgt. Lovejoy commented on a number of the events carried out as a result of Mr. Varga's efforts and the positive impacts of the interaction between the K9 Unit and members of the public. He reported that as a result of his efforts, over \$20,000 in generous contributions from Safeway's customers was raised and the money was used to purchase two dogs and various safety and training equipment.

Sgt. Lovejoy, on behalf of the Chandler Police Department, thanked Mr. Varga for all of his contributions to the K9 Unit and the citizens of Chandler. MAYOR DUNN presented Mr. Varga and Safeway Stores a plaque in appreciation for all of their efforts and ongoing support and thanked them for their contributions to the entire community.

4. Ecotech Charter School Community Event - Derek Hopkins

DEREK HOPKINS, a language arts teacher at Ecotech Academy of Science and Agriculture, greeted the Council and introduced Dustin and Taylor, students from the Academy to the audience and announced that this Saturday, April 12, 2003, the Academy will be hosting a Community Outreach Day from 7:30 a.m. to 2:00 p.m. He stated that there would be pony rides, a horse care clinic, barn tours and other fun and interesting events. He noted that the facility is located at 2221 East Pecos Road in Chandler and encouraged citizens to contact the school at 480-814-9007 for more information.

MAYOR DUNN thanked Mr. Hopkins and Dustin and Taylor for their appearance at the meeting.

UNSCHEDULED PUBLIC APPEARANCES:

There were no unscheduled public appearances.

CONSENT:

MR. ED HASKINS requested that Agenda Item #16 (Commercial Development of 15 acres at the SWC of McQueen and Germann Roads be placed on the Action Agenda for discussion. Mayor Dunn stated that the item would be moved.

COUNCILMEMBER WALLACE referred to minutes of the last Regular Council Meeting, specifically Agenda Item #30, the purchase of the tasers and noted that the Council all stated their support in moving forward with the purchase of that equipment as recommended by Staff. She said that she wished to clarify for the citizens that although she supports the purchase of the tasers, she wishes she had waited to vote in support until April to allow Chief Neuman the opportunity to bring the item forward in the proper manner.

MOVED BY VICE MAYOR HUGGINS, seconded by COUNCILMEMBER BRUNO, to approve the Consent Agenda as presented with Agenda Item #16 moved to the Action Agenda. MOTION CARRIED UNANIMOUSLY (7 to 0).

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Special Meeting of March 24, 2003, and the Chandler City Council Meeting of March 27, 2003.

2. CODE AMENDMENT: Clarifying the Location of Wireless Facilities on Ord. #3415
Ballfield Light Poles in Proximity to Residential Districts

ADOPTED Ordinance No. 3415, a City initiative amending Chapter 35-2209 of the City Code to clarify the location of wireless facilities on ballfield light poles in proximity to residentially zoned areas.

3. DEVELOPMENT PLAN: GE Capital Ordinance #3435

ADOPTED Ordinance No. 3435, (DVR02-0039, GE Capital), rezoning from AG-1 to PAD for a modular trailer storage, service, sales and administrative facility with Preliminary Development Plan approval for an approximate 17-acre parcel located approximately 600 feet south of the SEC of Warner Road and Delaware Street. (Applicant: Skyline Consultants, Jason Allen, Principal; Owners: Transport International Pool, Inc., GE Capital.)

4. ANNEXATION: SWC of Gilbert & Queen Creek Roads Ordinance #3441

ADOPTED Ordinance No. 3441, the annexation of approximately 33 acres on the SWC of Gilbert Road and Queen Creek Road, as recommended by Staff. (Applicant: Don Andrews, Andrews Design Group; Owner: Rex Maughan, Cherry Properties, LLC.)

5. EASEMENT/USA: Irrigation/Accommodate SRP Facilities in Pecos Road @ Ellis and Fairview Street (Stone Oaks Apts.) Ord. #3437

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3437, granting a no-cost irrigation easement to the United States of America to accommodate Salt River Project (SRP) irrigation facilities in Pecos Road at Ellis Street and in Fairview Street, as part of the development for Stone Oaks Apartments, as recommended by Staff. On July 8, 2002, the City approved the minor land division for Stone Oaks Apartments that requires a realignment of the intersection of Ellis Street and Pecos Road, and some road improvements on Fairview Street at Ellis Street. These improvements resulted in the necessity to relocate existing SRP irrigation facilities. In order to relocate the facilities, an exchange of easement is required between the United States of America and the City of Chandler. After the City signs and submits the easement, the United States of America will proceed to extinguish the original easement located in the Pecos Road and Fairview Street right-of-way. Staff has determined that the USA has prior rights for the irrigation facilities in this area.

6. ANNEXATION: NWC Brooks Farm and Lindsay Roads Ordinance #3446
(also known as SWC Ocotillo Road and Lindsay Road)

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3446, the annexation of approximately 240 acres located on the NWC of Brooks Farm Road and Lindsay Road (or SWC of Ocotillo Road and Lindsay Road), as recommended by Staff. Applicant: Tim Campbell, LVA Urban Design Studio; Owners: Stephen Brophy Trust, Dobson Group Limited Partnership, Roosevelt Water Conservation District, Garnett Land LLP, Dobson Bell I LTD Partnership Et al, D&G Investments Limited Partnership, Richard and Terri Hanger. The owners have requested annexation to incorporate into the City all the property required for a proposed residential subdivision, park and school site. The property is zoned R-43 (Rural Residential) in the County.

The City's General Plan Land Use Element designates this property as part of the Southeast Chandler Area Plan for single-family residential of a traditional suburban character. The property is not within a flood zone or an airport noise contour. The existing dairy and accessory buildings will be demolished.

7. On the Action Agenda (Resolution No. 3614)

8. HOUSING: Fair Housing Policy Resolution No. 3616

ADOPTED Resolution No. 3616, adopting a Fair Housing Policy and expressing commitment to the principle of fair housing, as recommended by Staff. The U.S. Department of Housing and Urban Development (HUD) annually requires that recipients of Community Development Block Grant Funds locally resolve to support the principle of fair housing. In addition, the grantee must describe the actions it plans to undertake to affirmatively further fair housing. Chandler has participated in the nationally organized Fair Housing Month since 1994 and activities include a resolution adopted by the Mayor and Council, mailing the resolution to interested individuals and organizations and announcing availability of fair housing materials. In addition, the Mayor and Council have proclaimed the month of April 2002 to be Fair Housing Month.

Adoption of this Resolution provides additional publicity of the City's commitment to affirmatively further fair housing. In addition to regular publication of the Fair Housing Hotline (480-782-3208) in the City Scope newsletter and ongoing public availability of fair housing materials in English

and Spanish, this Resolution will be mailed to Chandler landlords, rental companies, management companies, realtors, banks and media outlets. In addition, Staff of the Neighborhood Programs Division will continue to handle any citizen complaint pertaining to discrimination in the acquisition or disposition of housing.

9. No Item.

10. No Item.

11. REAL PROPERTY ACQUISITION: 199 East Boston Street Resolution No. 3621

ADOPTED Resolution No. 3621, as recommended by Staff, authorizing and approving the purchase of real property located at 199 East Boston Street (Hymer's Towing) at a cost of \$162,000.00 plus closing costs estimated to be approximately \$1,200 and clean-up expenses estimated to be \$18,000; and further authorizing and approving an Administrative Settlement in the amount of \$38,000 for relocation and re-establishment of the Hymer's business. The City previously purchased two of the three properties located on the south side of Boston Street between Washington and Colorado Streets for future City facilities. The Hymer's property is the third and last in this block.

The owners have agreed to sell the real property to the City for \$162,000 and accept an Administrative Settlement in the amount of \$38,000 to provide payment for relocation and re-establishment of their business. This settlement will save the City time and money in costs associated with locating a replacement property and the relocation of the Hymer's business. A remedial action plan has been prepared and approved. The estimated cost of clean up is \$18,000. The owners have agreed to do some of the work as part of the sale of the property and it is anticipated that this will reduce the estimated clean-up costs noted above.

12. DEVELOPMENT AGREEMENT: Qwest - SEC Oregon St. & Chandler Blvd. Res. #3622

ADOPTED Resolution No. 3622, authorizing a Development Agreement between the City of Chandler and the Qwest Corporation, as recommended by Staff. The Qwest Corporation recently purchased property at the SEC of Oregon Street and Chandler Boulevard, which is directly north of their existing facility. The Qwest Corporation intended to expand their existing facility north to Chandler Boulevard. Staff felt that expansion of the existing Qwest facility to Chandler Boulevard would conflict with future redevelopment in the area but also recognized that the Qwest Corporation had a need to expand their existing facility. An agreement was negotiated which meets the objectives of both the City of Chandler and the Qwest Corporation.

13. DEVELOPMENT PLAN: The Village at Alma School

APPROVED DVR02-0046, the Village at Alma School, action on the existing PAD (Planned Area Development) zoning to extend the conditional schedule for development for three years, located on the NEC of Alma School Road and Ocotillo Road, to revert to the former PAD (Planned Area Development) zoning classification, as recommended by Staff. (Applicant: Jake Curtis, Burch and Cracchiolo; Owner: Martin Fenton, Senior Resource Group.) The proposal is for a 120-unit senior living community providing independent apartments and common facilities including a dining room, kitchen and activity areas on approximately 9.5 acres within an approximately 130,000 square foot two-story building.

On August 12, 1999, the 9.5-acre property was rezoned from PAD (for Commercial and Multi-family) to PAD (for Senior Living Community) along with Preliminary Development Plan approval. On May 24, 2001, the zoning was extended an additional two years by the City Council. The ordinance extending the current PAD zoning included the standard condition, which states that construction shall commence above foundation walls within two years of the effective date of the ordinance granting the rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification. The developer has requested an extension of the timing condition so the property's existing zoning may continue in effect. All other conditions of the original approval would remain in effect.

The request was noticed in accordance with the requirements of the Chandler Zoning Code and to date no objections have been received from the surrounding neighborhood or property owners. A neighborhood meeting, held on March 6, 2003, was attended by two neighbors in support of the project. The Ocotillo Community Association has also been contacted and had no problems with the zoning extension. Planning Commission and Staff, upon finding consistency with the General Plan, recommended approval to extend the timing condition for three years with all of the other conditions in the original approval remaining in effect.

14. PRELIMINARY DEVELOPMENT PLAN: Holiday Inn at Ocotillo

APPROVED Preliminary Development Plan PDP03-0003 Holiday Inn at Ocotillo, a 4-story, 106 room, 78,847 square foot hotel to be located on 2.7 acres at 1200 West Ocotillo Road, on the NEC of Ocotillo Road and Jacaranda Parkway, as recommended by Staff. (Applicant: Lamb Architects, LLC, Kelly Braswell.) The site is located in South Chandler as part of the Ocotillo Phase I Master Plan. The 2.7-acre site, which is zoned PAD Special Use, is a portion of the 10-acre parcel located at the NWC of Alma School and Ocotillo Road. The Special Use designation allows a variety of uses including resorts, hotels, specialty commercial, cultural and sports centers, etc. The site received Preliminary Development Plan approval for a Comfort Suites Hotel in February 1999. The applicant met with the Ocotillo Design Review Board and received approval for the proposed Holiday Inn. Planning Commission and Staff, upon finding consistency with the General Plan and PAD zoning, recommended approval subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Holiday Inn at Ocotillo" kept on file in the City of Chandler Current Planning Division in file number PDP03-0003, except as modified by condition herein.
2. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
4. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
5. Completion of the construction, where applicable, of all required off-street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details and design manuals.
6. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such

median(s), the developer shall be required to upgrade such landscaping to meet current City standards.

7. The 36" parking lot screen walls shall be raised to 42". The 42" parking lot screen walls shall be raised to 48".
15. HOUSING: Subordination of Scattered Site Homeownership & Downpayment Assistance Liens - 512 North Los Altos Drive (Chaires)

APPROVED a request to authorize the subordination of the Homeownership and Downpayment Assistance Liens on the property located at 512 North Los Altos, Chandler, Arizona, as recommended by Staff. The single-family, owner-occupied home was sold under the Public Housing Homeownership Program in February 2000. Two liens were placed against the property in the amount totaling \$32,500.00. One lien is in the form of a non-amortized, deferred payment loan in the amount of \$27,200.00 and another lien is in the form of a 15-year forgivable loan in the amount of \$5,300.00.

The owners are in the process of refinancing the first mortgage on their home in order to reduce the interest rate and subsequent monthly payments. The total amount of the new loan would be approximately \$73,500.00. There will be no cash out to the owners. In order to obtain the loan, a subordination of the City's liens is required by the lending institution. The City's liens are currently in second and third position and will remain in second and third after the new loan. The property has an appraised value of \$115,000.00, which is more than the combined encumbrances of the City's liens and the new first mortgage.

16. Moved to the Action Agenda (Commercial Development/SWC McQueen & Germann)
17. CLAIMS REPORT: Accounts Payable Checks

ACCEPTED the Claims Report for the Accounts Payable Checks for the quarter ending March 31, 2003.

18. CONSTRUCTION CONTRACT: Valley Rain/Desert Breeze Park Playground Renovation

AWARDED a construction contract to Valley Rain Construction Corporation for Desert Breeze Park Playground Renovation, Project No. PR0204-401, in the amount of \$158,663.55, as recommended by Staff. Each year citizens make requests to the Community Services Department for improvements in many of the City's existing parks. Desert Breeze Park is a 38-acre Community Park originally developed in 1990 and is one of Chandler's most popular parks. Desert Breeze Park offers a variety of amenities and this project will renovate the existing landscaping, sidewalks, irrigation and play surfaces in the playground area. City personnel will inspect the project. Time for completion is 45 calendar days after receipt of the Notice to Proceed.

19. CONSTRUCTION CONTRACT: P.H.X. Building Group/Chandler Manor Unit 3

AWARDED a construction contract to P.H.X. Building Group, Inc. for Chandler Manor Unit 3, Project No. HO0202-401, in the amount of \$956,994.00, as recommended by Staff. The Housing and Redevelopment Division wishes to develop "infill" single family housing on a 1.28-acre City owned parcel of land at the NEC of Knox Road and Sunset Drive. The neighborhood surrounding this site is a mix of mobile homes, apartments, condominiums, single family and town homes with a school located on the south side of Knox Road. When completed, the homes will be available

for purchase by qualified first time homebuyers earning up to 80% of the area media income. The selling price of the homes is anticipated to be in the mid \$100,000's and made "affordable" through a special financing package.

Funding for this project is a combination of Community Development Block Grant funds and Public Housing proceeds resulting from the sale of other Public Housing units. The development process for these homes followed standard City processes for design and development to include the neighborhood meetings. Planning and Zoning Commission and City Council previously approved the project and product profile. This contract includes site development and related home construction costs to complete the seven-unit subdivision. The marketing and sales information for this infill project is anticipated to appear before Council in May or June 2003.

20. CONSTRUCTION CONTRACT: Valley Crest Landscape/Various Landscape Upgrades

AWARDED a construction contract to Valley Crest Landscape, Inc. for Landscape Upgrades - Various Locations, Project No. ST0206-401, in an amount not to exceed \$209,050, as recommended by Staff. Each year the City Landscape Architect identifies a number of City maintained landscape areas that are in need of renovation. This project upgrades landscaping at the Elliot Road Retention Basin (north side of Elliot Road west of Pleasant Street to Summit Street); Knox Road (north side right-of-way, Hartford Street to Nebraska Street); Knox Road (north side right-of-way, Hamilton Street to McQueen Road); McQueen Road (west side right-of-way, Knox Road to north of Highland Drive); and Warner Road (south side right-of-way, east and west of Ithica Street).

Improvements include grading, irrigation system, concrete landscape headers, refurbishing river rock, decomposed granite, trees, shrubs and other upgrades as outlined in the plans and specifications. Construction management will be handled in-house by Public Works Staff and total construction time is 90 days, with an estimated completion date of August 2003.

21. CONSTRUCTION CONTRACT CHANGE ORDERS 3-6 & 7-8: RESOLUTION OF CLAIM
Grimm Construction – Airport Water Reclamation Facility

ACCEPTED the report of Staff approved Change Orders 3-6 in the amount of \$41,936.54; and APPROVED Change Order 7 in the amount of \$39,883.88; a resolution to a claim and Change Order 8 in the amount of \$330,000 for a new 30" reclaimed water main, for a total increase of \$411,820.42 with Grimm Construction for the Airport Water Reclamation Facility (AWRF) Expansion Project No. WW0039-401, for a new revised contract total of \$19,978,251.79. The Staff administratively approved Change Orders 3, 4, 5 and 6 and requested approval of Change Orders 7 and 8. Staff verified that the additional costs are acceptable.

22. CONTRACT: C S Construction, Inc. - Replacement/Installation/Repair of Streetlights

AWARDED a one-year contract with an option for four one-year extensions to C S Construction, Inc. (Bid No. TE3-6310-1999) for the replacement of damaged streetlights and the installation and repair of streetlights in an amount not to exceed \$125,665.00, as recommended by Staff. This contract is for the replacement of damaged streetlights as a result of traffic accidents or corrosion and the miscellaneous streetlight upgrades to increase lighting in older developed areas. The contract is used on an as-needed basis and quantities are estimates only. This contract allows for the replacement and upgrade of up to 74 streetlights (44 accident replacements, 20 rusted poles and 10 new poles). The Standard Terms and Conditions include a clause to terminate this

agreement in case funds are not appropriated for the following fiscal year. Individual purchase orders will be issued for the replacement or installation of streetlight jobs.

Risk Management recovers approximately 80% of the cost of the damaged poles through insurance companies and/or persons involved and the remaining 20% cost of damaged poles will be funded from the City's self-insurance.

23. CONTRACT: Arizona Imaging Systems/Microfilming: Bldg. & Engineering Plans

AWARDED a contract for microfilming services (Bid No. PL3-7670-2010) to Arizona Imaging Systems in an amount not to exceed \$80,000 for the year beginning May 1, 2003 through April 30, 2004, as recommended by Staff. This contract is used to microfilm approved building and engineering plans. Applicants pay for this service at the time they obtain a building permit. The City sends the plans to the vendor for microfilming and the vendor creates and stores a master silver halide microfilm roll and sends aperture cards and the original plans to the City. The City files the aperture cards for public record and after 90 days destroys the original plans. The aperture cards are available to the public for acquiring information about a specific location and for general research. The current contract expires April 30, 2003 and it was necessary to solicit bids for a new contract.

24. CONTRACT AMENDMENT: APL Access Control - Access Control/Security/Fire Alarm System @ the Richard T. Felix Property & Evidence Bldg.

APPROVED contract amendment #7683R1 for the access control/security/fire alarm system from APL Access Control in an amount not to exceed \$10,860, as recommended by Staff. The Richard Felix Property and Evidence Building manages property and evidence collected from investigations and crime scenes. In addition, this section houses numerous Police Department records and documents. At this time, the building is being remodeled and an extensive addition to the existing building is being made. For reasons of security, cross utilization of resources, and economies of scale, the Police Department would like to use the same vendor the City of Chandler Building and Facility Division currently uses on the municipal buildings. APL was selected as the sole source provider for the security system.

25. PURCHASE: Recreation T-Shirts for Community Services Parks & Rec. Programs

APPROVED the purchase of recreation t-shirts for Community Services Parks and Recreation Programs utilizing the City of Mesa Contracts with Arizona Wholesale Embroidery & Screen Printing and GK Sportswear/MVP Sports Inc. in an amount not to exceed \$36,000, as recommended by Staff. The Community Services Parks and Recreation Programs order approximately 2,970 T-shirts per year for various activities. The bulk of these shirts are ordered by the Adult Sports Program. These shirts are given as awards to a variety of first and second place teams. On May 10, 2001, the City Council approved the utilization of the City of Mesa contract to purchase t-shirts for the Community Services Parks and Recreation Programs. Mesa awarded Arizona Wholesale Embroidery & Screen Printing and GK Sportswear/MVP Sports Inc. a two-year contract to provide t-shirts for their various programs. The contract contains a section that extends the terms and conditions of the contract to other municipalities, school districts and government agencies of the State of Arizona.

Staff compared the Mesa contract for quality, embroidery service and pricing with Chandler's previous contract and found the quality and service to be equal and the pricing lower or equivalent. Also, the use of this contract eliminates the cost of going out to bid, reduces the lead

time in obtaining the products and results in lower overall pricing associated with a large quantity purchase. City Staff is satisfied with the services provided by the current contractor and has requested the utilization of the City of Mesa contract to purchase the t-shirts.

26. PURCHASE: Rental Uniforms, Entrance/Hall Mats, Shop/Print Towels & Laundry Service

APPROVED the purchase of rental uniforms, entrance/hall mats, shop/print towels and laundry service for one year from G & K Services, utilizing the State of Arizona Contract AD20051, in an amount not to exceed \$70,000, as recommended by Staff. Departments utilizing the services include Municipal Utilities, Public Works, Community Services, Management Services, Planning & Development and Police Field Operations. The State of Arizona Procurement Office bid the requested services and awarded a one-year contract in February 2002 to G & K Services, with provisions to extend for 48 months. In April 2002, the City Council approved the utilization of the State of Arizona Contract for uniform rental and laundry service. Utilization of the State of Arizona Contract allows the City to realize savings with lower monthly rental costs for uniforms, plus the administrative costs associated with rebidding. City Staff is satisfied with the services provided by G & K and recommended the continued use of the State of Arizona Contract. The contract period will run June 1, 2003 through May 31, 2004.

27. PURCHASE: Central Arizona Project (CAP) Incentive Recharge Water

APPROVED the purchase of Central Arizona Project (CAP) Incentive Recharge Water at a cost of \$1,047,860.00, as recommended by Staff. The 1980 Groundwater Management Act requires cities to demonstrate they have an assured water supply (renewable water resource) for any proposed new growth and development. To assist the City in maintaining its designation of assured water supply, the City purchases surface water from the Central Arizona Water Conservation District (CAWCD), when available, on a year-to-year basis. Each year in the Capital Improvement Program, Staff budgets funds to purchase water for new growth and development (system development fees) and to meet future demands during drought (water user fees).

CAWCD has offered to sell incentive recharge water, when available, to cities to offset groundwater pumping. On June 27, 1996, the City Council approved the Groundwater Savings Facility Agreement with the Salt River Project (SRP), allowing SRP to receive and use CAP Incentive Recharge Water purchased by Chandler. In return, the City will receive recharge credits for groundwater not pumped by SRP. Recharge credits are essential for Chandler to stay in compliance with the State's 1980 Groundwater Management Act. Purchase of the CAP Incentive Recharge Water will be accomplished through a partnership with SRP. Under this arrangement, the CAP water is purchased at a reduced rate and SRP shares in the cost. SRP will pay \$15.00 per acre-foot and Chandler will pay \$55 per acre-foot. The overall savings to the City as a result of the reduced rates and partnership is \$971,652.00.

28. USE PERMIT EXTENSION: Inyati Bedliners

APPROVED a Use Permit extension (UP03-0002 Inyati Bedliners) to operate an automotive service business within an I-1/PAD Industrial Zoned District located at 3185 N. Colorado Street, as recommended by Staff. (Applicant: Hilton Braithwaite, Inyati Bedliners.) A Use Permit was approved in November 1997, with a Use Permit extension approved in December 1999. The business occupies an approximately 4,400 square foot suite within a multi-tenant building in Arizona Corporate Park North.

The business activities involve the installation of spray-in polyurethane liners in truck beds and other truck bodies. Vehicles arrive onsite between the hours of 7:30 a.m. and 12 p.m. The application process involves the masking, spraying and trimming of the vehicles, which can generally take up to 4 hours. All work is performed within the building and once the work has been completed, the vehicles remain in the customer parking areas until picked up by the owners on the same day, there is no outside over-night storage of vehicles. There is an indoor vehicle storage capacity well in excess of the eight vehicle per day installation capacity.

The request was noticed in accordance with the provisions of the City of Chandler Zoning Code and to date Staff has not received any telephone calls or letters from neighboring tenants or property owners opposed to the Use Permit. Upon finding consistency with the General Plan and compliance with the Council adopted conditions of approval, Planning Commission and Staff recommended approval subject to the following conditions:

1. Substantial conformance with the attached exhibits and representations.
2. Expansion beyond the indoor and outdoor floor plan presented shall be considered a substantial change and require reapplication and approval of a new Use Permit.
3. Failure to comply with these conditions, upon standard notice issued by the City, will constitute revocation of the Use Permit without further action.
4. The Use Permit is approved for the applicant only. In the event the business is sold, the business shall require reapplication and new Use Permit approval.

29. USE PERMIT: EVDI Medical Imaging

APPROVED a Use Permit (UP03-0004 EVDI Medical Imaging), for a mobile Positron Emission Tomography (P.E.T.) Scanner Unit to be parked outside of EVDI Medical Imaging, 1076 West Chandler Boulevard, as recommended by Staff. (Applicant: Helen Deitz) EVDI Medical Imaging is located on the NWC of Alma School Road and Chandler Boulevard and the P.E.T. Unit would be located at the EVDI Chandler office once a week, on Wednesdays, arriving at 6 a.m. and leaving at approximately 5 p.m. The proposed location for the scanner is outside the front door of the business, temporarily parked in six existing parking spaces. The proposed location does not obstruct entrances to neighboring businesses nor does it block any handicapped spaces.

The P.E.T. scanner is state of the art medical technology used to detect cancer, to determine the progression of disease and to evaluate the success of therapy. The applicant stated that this is a useful tool for physician cancer specialists and represents a service they would like to make available to patients who, due to the nature of the disease, are in a fragile state. The P.E.T. unit can accommodate eight patients per day.

The applicant does not intend to request an extension of the Use Permit, the temporary location of the scanner is to explore future business opportunities. If providing this service at the EVDI Chandler office is received well, they plan to purchase the equipment and locate it within the existing building structure. The request was noticed in accordance with the requirements of the Chandler Zoning Code and to date Staff has not received any comments from neighbors or members of the public regarding this request. Planning Commission and Staff, upon finding the request to be consistent with the General Plan, recommended approval subject to the following conditions:

1. The Use Permit shall be granted for a period of one (1) year, at which time re-application shall be required. The one-year time period shall begin from the date of City Council approval.

2. Substantial expansion, modification beyond the approved exhibits or an increase in the number of days the temporary unit is on site shall void the Use Permit and require a new Use Permit application and approval.
3. Applicant will work with Staff to develop additional landscaping along Alma School Road and increase planter size directly adjacent to the unit, to effectively screen trailer.

30. LIQUOR USE PERMIT: Chili's Grill & Bar

APPROVED Use Permit (UP03-0013 Chili's Grill & Bar), a request for a Series 12 Restaurant License at 3015 West Chandler Boulevard, SWC of Chandler Boulevard and Price Road. (Applicant: Burch & Cracchiolo, P.A.; Owner: Propcor II Associates LLC.) The request is to sell liquor for on-premise consumption only within a new restaurant located at the SWC of Chandler Boulevard and Price Road, within the Chandler Fashion Center. The approximate 5,555 square-foot restaurant has an estimated seating capacity of 217 persons, including 71 seats in the bar and 146 seats in the dining room. Chili's does not have an outdoor dining area. The restaurant anticipates opening June 2003 and will operate Sunday through Thursday from 11 a.m. to 10 p.m. and 11 a.m. to 11 p.m. Friday and Saturday. The Use Permit will be used in association with a Series 12 liquor license.

A Series 12 Restaurant License allows the sale of all liquor and requires a minimum of 40% of total sales to be in food and non-alcoholic beverages. The request was noticed in accordance with the requirements of the Chandler Zoning Code and to date Staff has not received any telephone calls or letters from residents opposed to the Use Permit. Planning Commission and Staff, upon finding consistency with the General Plan, recommended approval subject to the following conditions:

1. The Use Permit is for a Series 12 License only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

31. LIQUOR LICENSE: Chili's Grill & Bar

APPROVED a City of Chandler Series 12 Restaurant License (#300000564) and that a recommendation for approval of State Liquor License No. 12075441 for Clare H. Abel, Agent, Brinker Restaurant Corporation, dba Chili's Grill & Bar, be forwarded to the State Department of Liquor Licenses and Control. The Police Department reported no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. With a Series 12, the business may sell all liquors for on-premise consumption only, with a minimum of 40% of the gross receipts from the sale of food.

MOVED BY VICE MAYOR HUGGINS, SECONDED BY COUNCILMEMBER BRUNO, to approve the Consent Agenda as presented, with Agenda Item #16 moved to the Action Agenda. MOTION CARRIED UNANIMOUSLY (7 TO 0).

ACTION AGENDA

7. AGREEMENT: Development of Retail Sales Center/SWC Chandler Boulevard & Price Road Resolution #3614

MAYOR DUNN requested that Staff provide a brief presentation relative to this agenda item and what they anticipate will occur in this area in terms of retail development and transportation. He noted that the area is a key one for the City of Chandler in terms of growth, south of the Chandler Fashion Center. He commented on the fact that a significant amount of questions have been posed by citizens of Chandler and stressed the importance of providing information and responding to all of the issues that have been raised.

Economic Development Director GARRETT NEWLAND addressed the Council and audience relative to this item and referred to a map of the area in question. He stated that Westcor started with approximately 260 total acres and has already completed approximately 2.4 million square feet of new retail space within this very successful project. He noted that leasing and sales projections have exceeded expectations despite the downturn in the economy. Mr. Newland referred to the map and identified surrounding development area by area.

MR. NEWLAND noted that the Chandler Festival is located on the NEC and contains 550,000 square feet total. He reported that the last two pad sites have been spoken for (Black Angus and A&W/KFC). He added that going across the Price Freeway to the Chandler Gateway site, 260,000 square feet, the last 10,000 square feet of shop space, is currently being developed. He added that there are boulevard shops across Chandler Boulevard, 225,000 square feet, and noted that the last couple of projects being developed at that location include The Keg Steakhouse Restaurant and Chili's, which will be going in on the corner.

MR. NEWLAND reported that Chandler Fashion Center contains over 1.3 million square feet of retail space and has a current occupancy rate of over 95%. He commented that another project that will be moving into the mall shortly is Organized Living. He also discussed the "out parcels" and stated that to the south one of the parcels has been spoken for by Best Buy and noted that the company intends to develop a 47,000 square foot facility. He also pointed out where the new transit center will be located and showed the location of a hotel parcel located south of Frye Road, or Chandler Village Drive and to the east. He said that although it has not been confirmed, Marriott has announced that they are looking at developing a Marriott Renaissance project at that location. Mr. Newland noted that at the far south end of the project an office parcel is situated and said that approximately 40 acres will be left after the hotel and retail development that Westcor intends to develop as a very high-end, upper scale office park at the confluence of the two freeways.

MR. NEWLAND stated that the Target Greatlands Center, which is the project currently under discussion, is in a location now identified as "future retail" on the map and noted that the center will be anchored by Target Greatlands. He reported that the total size of the center is approximately 250,000 square feet of major space, including some of the other majors, and contains an additional 150,000 square feet of pads and shop space around the site. He noted that Westcor is not comfortable releasing any of their tenant names at this point in time but added that the types of projects the company is looking at include linens, sporting goods, home interiors, clothing products, and businesses of that type.

MR. NEWLAND commented that the Development Agreement before the Council this evening is to advance the arterial street impact fee credits to the first phase of the site. He referred to a map and explained that street impact fee credits are available for all of the Westcor properties south of the mall to the proposed retail center project from an improvement district that was done before,

Improvement District No. 67. He reported that there was a total of \$855,412.65 in credit available from that site. He noted that Staff has recommended approval of the Agreement and said that at this time, DAN COOK will discuss transportation access in and around the mall.

MAYOR DUNN commented on the fact that a significant amount of additional retail development will be occurring in the area and stated the opinion that a majority of the businesses will want to open before the Christmas season begins. He noted that a lot of construction will be taking place and some inconvenience may result in terms of transportation. He pointed out, however, that the project will provide significant shopping opportunities and will positively impact the City's sales tax revenues.

MR. COOK addressed the members of the Council and audience and referred to a map of the area depicting the major roadways around the mall area. He highlighted routes that will be available to drivers coming from the Santan Freeway into the mall, one at McClintock and the other at the Price frontage roads. He noted that a freeway interchange is located at the Price/Santan location and pointed out that a unique feature of this interchange is the fact that inside the interchange there is a "local interchange" that will allow people to exit the Santan Freeway and access the Price frontage roads as opposed to the Price Freeway. He said that drivers will be able to get off the freeway at Price Road, travel north on the Price frontage road, get onto Frye Road and access the mall (to and from the west).

MR. COOK added that coming westbound from the east, drivers will have options to get off at Dobson Road (and then go up to Frye and across into the mall area), and the same Price Road "local interchange." He noted that there would also be the typical access that occurs southbound on the Price and said that right now everyone exits at Chandler Boulevard and this will be maintained and drivers can use the frontage roads coming down from the north.

In response to a request from COUNCILMEMBER WALLACE, Mr. Cook explained the interchange at McClintock and the Santan Freeway. He noted that the interchange at this location is a half diamond and is for access to and from the Santan Freeway from the west. He commented that if drivers are traveling eastbound and drivers exit at McClintock, there will be a frontage road that the Arizona Department of Transportation (ADOT) is building on both the north and south sides so drivers will be able to use the frontage road and then cross on Chandler Village Drive to access the south side of the site.

MAYOR DUNN asked when the connection would occur from the Santan and Mr. Cook responded that ADOT currently has the portion of the Santan Freeway from I-10 to the Price Freeway under construction. He added that the section from I-10 to Price will be completed and open by the end of November and at that time drivers will be able to travel on I-10, get on the Santan Freeway, exit at McClintock and use the frontage road to get into the mall or off McClintock and travel north up to Chandler Boulevard or just continue and go north on the Price Freeway as well as the reverse. He confirmed that the interchange will not be totally complete, but will be at a point where drivers can travel the Santan, go north on 101 (and reverse) to access all the entrances to the mall.

MR. COOK noted that in addition, ADOT is currently going out for bid on the next portion of the Santan Freeway from approximately Ellis all the way over to Arizona Avenue. He said that when that section is completed by the end of 2004, the full interchange will be completed.

MAYOR DUNN thanked Staff for their input and emphasized that there will be additional transportation options available to access all of the retail that this incentive is going to create and noted the positive impacts that the project and enhanced transportation options will provide.

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY COUNCILMEMBER WALLACE, to adopt Resolution No. 3614, authorizing an agreement with Chandler Village Center, Propcor Associates and First American Title Insurance as trustee to provide certain incentives in return for the development and operation of a retail sales center at the SWC of Chandler Boulevard and Price Road, as recommended by Staff. MOTION CARRIED UNANIMOUSLY (7 TO 0).

MAYOR DUNN announced that the Chandler Fashion Center recently won an architectural award from the Council of Shopping Centers, a national organization, and said that it is his understanding that malls are not typically recognized in this manner. He thanked Westcor for developing a superior project that is out of the ordinary.

16. TUMBLEWEED PARK COMMERCIAL CENTER: SWC McQueen and Germann Roads

ED HASKINS, 1429 Marble Canyon, DeSoto, Texas, representing the American Bicycle Association, expressed appreciation to the members of Staff who worked on the Request for Proposals (RFP). He said that the RFP process itself was very useful in determining what sort of interest exists relative to the commercial corner at Tumbleweed Park. He added that it was also useful in terms of fulfilling the City's legal obligation to make that opportunity available to others. He noted, however, that it was not as useful in terms of being a method of arriving at a methodology for identifying all of the issues that existed between the City and the American Bicycle Association and a potential private/public tourism issue. He commented on the variety of ways in which the project could be developed but stated the opinion that the process lacked and still lacks the ability to negotiate.

MR. HASKINS said he believes that the RFP is great for building streets or for fixed items, but there are many different ways in which this facility can be constructed, many different ways it can be funded and many different approaches that can be taken. He added the opinion that the RFP process was quite cumbersome and did not achieve its objective in allowing the parties to negotiate. He added that he delivered to the City, unfortunately very late today, a packet along with some additional information which he found out today some members of the Committee still had not seen, and said that the bottom line is that this is a project that has the potential to deliver approximately 200,000 annual tourists to the City of Chandler and the potential to generate over \$10 million in economic impact on hotels and restaurants. Mr. Haskins added that the project also has the potential to generate significant sales tax revenues. He noted that the cost of the project is variable and said that at considerable expense they put together a proposal that they thought was appropriate. He stated that what wasn't part of the RFP was the number that the Council would accept and is reasonable for delivering 200,000 tourists to the community. He said that the Association did not know that number then and they still do not know it and he believes that is part of what should be ongoing discussions and negotiations.

MR. HASKINS said that the Association is not here this evening to take issue with the Committee's recommendation but rather to express their continued interest in the City of Chandler. He noted that the American Bicycle Association has enjoyed an extensive presence in the City of Chandler and the area as a whole. He added the opinion that the project will be built somewhere in the surrounding community but said that before the Association gives up on developing the project in Chandler, they wanted to expend every possible effort to continue discussion and negotiation efforts. He requested that if in fact the Council does not desire to

table this issue and proceed with Council direction/input as far as the RFP process is concerned, that they indicate at some point whether they would be interested in pursuing this outside of the RFP process and negotiate it on a basis that may determine for once and for all, with all of the questions answered or at least identified, whether or not this is something that should be pursued. He thanked the Council for the opportunity to address them.

MAYOR DUNN requested that Staff respond to some of the comments presented by Mr. Haskins.

GARRETT NEWLAND addressed the Council and said that Staff has had the opportunity to work with the American Bicycle Association for quite some time. He stated that he does not believe there is one person on the selection committee who would say that the project is not a good one and commented on the potential benefits surrounding the proposal. Mr. Newland said that as the Committee reviewed the responses to the RFP, the information that they were provided with relative to economic impact never provided them with enough comfort relative to the type of visitor that would be coming into Chandler to use this type of track to justify spending \$3.5 million up front dollars on the project. He noted that they also had some questions relative to compatibility with the park and other issues, but emphasized that the over-riding factor was the initial investment of \$3 to \$3.5 million.

In response to a question from COUNCILMEMBER BRUNO, Mr. Newland advised that the Association proposed that they would move their headquarters, which are now located in the Town of Gilbert, to Chandler and they would cover the cost of constructing a new headquarters building on the 15-acre site. He added that the \$3 to \$3.5 million dollar investment on the part of the City of Chandler would cover the cost of the racing track, the covered components and all associated development that goes along with that, including parking, other utility improvements, street improvements, etc. He added that the Committee had concerns that the project would not generate the type of economic return that they felt justified the overall investment.

MR. NEWLAND commented on the RFP process and concerns expressed by Mr. Haskins and stated that whenever public land is going to be utilized for private development, a Request for Proposals is always issued. He explained that this allows any private developer to come forward with a proposal. He noted that no one is "selected up front" and said that in this particular case, two bids were received, one for batting cages and this project as well. He expressed the opinion that the RFP process has worked effectively on other projects in the past. He agreed that the process is not designed for "one on one" negotiations.

COUNCILMEMBER BRUNO asked whether as part of the RFP process Staff had any ideas of what they would like to see developed on that particular corner. MR. NEWLAND responded that as they looked at this site over the years, they attempted to identify projects for that corner that would be compatible with the Tumbleweed Park operation and potentially provide some operations and maintenance assistance for operations at the park. He noted that some of the ideas that have been discussed include a water park or some sort of recreation facility. He said that Staff would like to expend effort to assist the Association in identifying an alternative location for their project but noted that the same financial/investment concerns exist and would have to be addressed.

MAYOR DUNN discussed difficulties associated with the RFP process and thanked Staff for their good faith efforts to determine what the economic return would be on the City's investment, particularly considering the significant amount of taxpayer dollars that would be involved. He noted his support for Staff's recommendations.

MAYOR DUNN asked whether there were any other citizens in the audience wishing to speak on this item and there were none.

COUNCILMEMBER BRUNO spoke highly of the American Bicycle Association and its reputation and the hard work they put into their proposal. She said that she hates to lose out on the Association developing a facility and becoming a part of the community and added that she hopes ongoing discussions will occur relative to additional options for the Association to pursue.

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY VICE MAYOR HUGGINS, to approve Staff's recommendation that the proposals for the Tumbleweed Park-Commercial Center (Request for Proposals (RFP) PR3-0895-1974), approximately 15 acres located at the SWC of McQueen and Germann Roads, constituting the NEC of Tumbleweed Park, be rejected. MOTION CARRIED UNANIMOUSLY (7 TO 0).

32. DEVELOPMENT PLAN: Windmill Square & Villas

Ordinance #3444

Planner II GEIR SVERDRUP stated that the request (DVR02-0032 Windmill Square and Villas) is to amend a portion of an existing Planned Area Development (PAD) to allow a 43-lot single-family residential subdivision and commercial center with Preliminary Development Plan approval, including housing product, on approximately 18.13 acres located on the NEC of McClintock and Ray Roads. He noted that the applicants in the case are Jason Morris, of Withey, Anderson and Morris and Michael Perry, with Whitneybell Architects, Inc.

MR. SVERDRUP explained that the project proposes a 13,000 square foot CVS Pharmacy, 21,400 square feet of retail shops, 8,300 square feet of office/retail shops, and 43 single-family lots @ 5.5 dwelling units per acre, for a total of 42,700 square feet of commercial building area. He added that the builder for the residential development is Magee Homes. He stated that Staff reviewed this request relative to compliance with the General Plan and determined that the designation for a commercial node was something that Staff would like to see maintained for a retail center with some type of anchor. He added that Staff also looked at this in terms of the Ray Road Land Use Policy and determined that the policy supports a full range of commercial opportunities for shopping and entertainment, and attempts to keep the emphasis on maintaining commercial opportunities throughout the Ray Road corridor.

MR. SVERDRUP informed the members of the Council that the Planning Commission did not support Staff's recommendation and felt that this is a mature area of the City of Chandler, and that the project was an appropriate land use in this particular area, and that an anchored shopping center was probably not appropriate at this location. He added that the Commission did find that the proposal was in compliance with the General Plan and the Ray Road Land Use Policy. He pointed out that the site itself contains both a residential and commercial component and said that the commercial center consists of five retail pads that are located along McClintock and Ray Roads. He pointed out that a CVS Pharmacy is located at the corner, oriented on a 45 degree angle to take advantage of both Ray Road and McClintock roadways and two pads are located on either side, one on Ray Road that will most likely become some type of sit down restaurant.

MR. SVERDRUP stated that the architectural style is Tuscan and the site uses pedestrian walkways and features to tie the entire center together. He added that it does tie into the residential component and noted that the lots average 47 feet wide and 90 feet deep, and are approximately 10% smaller than the existing patio homes in the area. He reiterated that the Planning Commission voted in support of the proposal and added that the members developed a

number of stipulations and were interested in making sure that the residential component accompanies the development of the pharmacy (both to be developed as part of the initial phase).

In response to a question from COUNCILMEMBER BRUNO relative to neighborhood notification, Mr. Sverdrup stated that the applicant sent out a rather extensive mailing based on the labels that were provided to Staff. He said that the entire Windmill Homeowners' Association was included as well as everyone within approximately 350 feet all around. He noted that they exceeded notification requirements and also held a neighborhood meeting that was attended by approximately 17 citizens. He reported that the applicant has been working with the area residents for approximately one year on this project. Councilmember Bruno also questioned the density of the project and Mr. Sverdrup replied the Windmill's Square Project is slightly more dense than the adjacent patio homes by approximately 10% and the is was not designated as an infill project.

MAYOR DUNN stated that although staff acknowledges the use of the Ray Road Policy when analyzing projects within the corridor, that it was his opinion that the Ray Road Policy, as it was originally intended, has not been complied with over the years due to decisions that have been made by the Council in allowing uses other than commercial thereby changing the policy.

In response to a question from COUNCILMEMBER BRUNO, Mr. Sverdrup stated the opinion that the project was well designed and promotes a pedestrian theme. He added that Staff felt that an opportunity exists to save a site for a more appropriate use based on the policies contained in the General Plan. He emphasized that Staff's recommendation was based strictly on a land-use basis.

COUNCILMEMBER WALLACE expressed the opinion that problems associated with another commercial corner development (center at the SEC of the intersection) may be the result of management issues and a lack of upkeep.

JASON MORRIS, 2525 East Arizona Biltmore Circle, co-applicant in this case, addressed the Council regarding this agenda item, along with Mr. Michael Perry representing Whitneybell Architects. He stated that the proposal represents an exciting opportunity to create a project that contains an appropriate mix and an "evolution" of planning and development. Mr. Morris indicated his intention to provide background information on why this site has failed to be developed over the last 20 plus years that it has been available for commercial development. He noted that the entire proposal places Staff and the applicant only 7 acres apart on the use of this entire parcel, the 7 acres being the residential component that has been included. He stated the opinion that the case represents a joint effort and noted that many of the exceptional planning ideas contained in the proposal are the result of working with the surrounding neighborhood and the Homeowners' Association.

Mr. Morris stated he became involved in this project over 2 years ago on behalf of another prominent development team which, in 2001, presented a site plan to the Homeowners' Association in accordance with the existing zoning. At that time, the original commercial center site plan illustrated commercial uses on the entire property. He stated that resistance was demonstrated on two levels, first, from the marketplace in that no shopping center of this size can be built without an anchor tenant and the developer's inability to locate an anchor for this center and second, resistance was demonstrated on the part of the neighborhood, which, because of the development timing on this parcel and the various ownerships it had gone through over the years, was hesitant to be located adjacent to what would have been the "back" of a grocery anchored

center. He said based on the negative feelings surrounding that proposal, another plan was developed and the mixed use plan currently before the Council contains many of the ideas "jointly" developed by the applicant and the neighbors.

MR. MORRIS noted that the current plan contains a "buffer" of individual single-family homes between what would be the ultimate commercial proposal and the existing residences. He added that the gated community is a relatively small one and is one which, because of the design, cannot be inter-mixed and every home is unique. He pointed out that only two issues remain to be addressed and resolved, and the first is Staff's position. He commented that a philosophical issue exists between the City's Ray Road Land Use Policy and the General Plan, namely, whether the commercial node is viable.

MR. MORRIS said the Policy notes that not every corner needed to be developed as a commercial shopping center in accordance with the realization that area markets may not dictate that location at every corner. He said that the policy states that square footages shall be based on market design and feasibility as determined by submitted studies. He noted that the applicant submitted a study as part of the application process and said that the study enforced the support that exists for commercial viability at this location. He stated the opinion that support does not exist now and will not exist in the future for a grocery anchored center and added the opinion that support would also not exist for the type of "stand alone" (larger box) uses that could develop at this location.

MR. MORRIS stressed the importance of approving a mix to ensure success and commented on neighborhood concerns that have been expressed. He referred to a letter that was forwarded from one neighbor outlining a number of concerns and addressed/responded to the concerns and issues outlined in that document.

MAYOR DUNN stated the opinion that the position of the Planning and Zoning Commission, in terms of phasing, is extremely important and commented that the Council has had ongoing concerns relative to having a "stand alone" item in corridors developed and the fact that it prevents the remaining parcels from being developed. Mr. Morris said that in this instance, the applicant intends to develop both the anchor tenant, CVS Pharmacy, as well as the entire residential development in the first phase. He added that the other commercial buildings, which are truly "build to suit" buildings, will be built as a second phase rather than with the first phase. He estimated that they are probably looking at a total "lag time" of approximately 12 months between the opening of the pharmacy and the completion of the other commercial buildings, but pointed out that the market dictates the leasing of those buildings.

MR. MORRIS confirmed that the residential component will be gated and the streets will be private. He added that the amenity package reflects the fact that amenities for the specific use of this particular residential project will be developed, including a green area, walking paths and active as well as passive recreational amenities within the open space. He noted that this subdivision will be a member of the larger homeowners' association and will actually pay dues both to their smaller gated community and to the larger master planned community. He confirmed that this arrangement is acceptable to the homeowners' association. Mr. Morris also commented on the fact that pedestrian and vehicular access will exist from the commercial to the residential components.

MAYOR DUNN commented on the fact that the applicant's proposal contains a proposed re-use plan for the CVS building in the unlikely case that the pharmacy may one day cease to operate at that location. Mr. Morris said that this is the first time he has ever presented a plan that contains

a re-use proposal for the building but noted that as the Mayor will recall he recently presented a stand alone pharmacy proposal at Warner and Dobson Roads and said that in response to questions that were posed by this Council he felt that it would be a good idea to address similar concerns that may arise and to include an appropriate re-use proposal as part of the submittal. He added that the re-use proposal was also Staff driven.

MAYOR DUNN noted that several citizens have submitted cards to speak on this item and said he would like them to come forward at this time and present their remarks.

CRAIG ANNIS, 1349 N. Lavean Drive, a resident of the Windmills Association and a member of their Board of Directors, said that he is honored to appear before the Council this evening. He complimented Mr. Morris on his presentation and said it is important to note that the Board, as a majority, supported this project. He reported that a ballot was sent out regarding the need to amend the CC&R's, which allowed retail development, but not necessarily residential development. He noted that as of noon today, 368 positive responses have been received out of a potential 569 (100 of which are individual homeowners). He spoke in support of the proposal and thanked everyone for their efforts.

RON CAMPBELL, 1171 N. Vienna Court, a homeowner in the Windmills West Homeowners' Association, also spoke in support of proceeding with the proposal as presented. He noted that he originally had concerns regarding the project, but after speaking with a number of neighbors, evaluating the project and performing research, he came to the conclusion that the proposal is appropriate, will not negatively impact the neighborhood, and should probably be allowed to move forward. He added that he learned many of the neighbors were unaware of the exact plans that were being considered and once this information was disseminated, many of the concerns were relieved. He said, however, that many of the neighbors who would have liked to have attended the neighborhood meeting held by the applicant were unaware that the meeting had been held and emphasized the importance of getting the word out and ensuring that proper notification takes place in situations such as this. He requested that an additional open house be scheduled to allow neighbors an opportunity ask questions and obtain information. He said that he is willing to reverse his original opinion based on a discussion with the developer taking place in an open forum between the applicant and all interested/impacted neighbors in attendance.

LEE CAMPBELL, 1171 N. Vienna Court, said that she has lived in their home in Parkside for over 12 years and for 8 of those years, she has served as President of the Homeowners' Association. She reported that the Windmills Homeowners' Association consists of 321 single-family homes. She said that she supports the proposal as presented by Mr. Morris and commented on the significant modifications that have been made to the plan since its original submission in an effort to alleviate neighborhood concerns and ensure project success. She commented on the fact that the Board of Directors has been actively involved in this project and a majority of the residents support the residential component.

JOE KLIMOSKI, 1359 W. Kriss Street, also a member of the Windmills Homeowners' Association Board of Directors, commented on the fact that the parcel has been vacant for the past 17 years. He spoke in support of proceeding with the project as presented, said that the proposed land use is exceptional and justified and agreed with the comments presented by the previous speakers.

RICK KOLKER, 3561 West Orchid Lane, a resident of the Windmills West subdivision, spoke in opposition to the proposal. He said that he was part of the 96% that did not attend the meeting and added that he did receive a flyer notifying him of the meeting and was very much in favor of the mixed use (light commercial/residential) and therefore did not show up. He commented that

the flyer did not contain a lot of information relative to density levels for the residential portion of the project and said that this is what his biggest concern is regarding the project. He stated that the area he lives in is not that far from the intersection in question and the average square footage is between 9100 and 11000 square feet and the average being proposed for the 43 homes in this area is 4250 square feet. He expressed strong concerns relative to the proposed density levels and anticipated negative impacts on the rest of the area.

MAYOR DUNN commented that he received six other cards from citizens indicating support for the project but noted that the speakers did not wish to speak at this time.

MAYOR DUNN thanked all of the speakers for their comments.

MR. MORRIS responded to a question from the Mayor relative to neighborhood notification that took place and outlined the contents of a timeline that reflected the extent of the notification process that was followed by the applicant. He emphasized that requirements in this area were exceeded by the applicant.

MAYOR DUNN asked whether any requests for additional neighborhood meetings came forward at the Planning and Zoning meeting (which took place after the neighborhood meeting had been held) and MR. SVERDRUP confirmed that no other comments or requests for additional meetings came forward at that time. He also noted that the survey referred to by Mr. Morris was sent out and Staff received one response in support of the project.

MOVED BY COUNCILMEMBER WESTBROOKS, SECONDED BY COUNCILMEMBER WALLACE, to introduce and tentatively approve Ordinance No. 3444 (DVR 02-0032 WINDMILL SQUARE AND VILLAS) to amend a portion of an existing PAD to allow a 43-lot single family residential subdivision and commercial center, along with a Preliminary Development Plan, including housing product, on approximately 18.13 acres located at the NEC of McClintock and Ray Roads.

MAYOR DUNN said that he assumes the motion is also to approve the recommendations and stipulations brought forwarded by the members of the Planning and Zoning Commission.

COUNCILMEMBER WESTBROOKS confirmed the fact that the motion is based on all of the stipulations and recommendations brought forward by the members of the Planning and Zoning Commission. COUNCILMEMBER WALLACE agreed to the clarification of the motion and confirmed her second to that motion.

MOTION CARRIED UNANIMOUSLY (7 TO 0).

MAYOR DUNN declared a recess at 9:15 p.m. The meeting was reconvened at 9:30 p.m.

PUBLIC HEARING:

PH1. Family Advocacy Center

MAYOR DUNN declared the public hearing open at 9:30 p.m.

The Mayor said that prior to turning this issue over to Councilmember Westbrooks for his input, he would like to recap this matter. He noted that the last time the Council dealt with this item an extensive Staff presentation took place, primarily due to the efforts of the Community Services

Committee, and their recommendations relative to certain aspects of the Family Advocacy Center (FAC), including funding possibilities and those types of issues. He added that Staff's presentation was followed up with a Council discussion of ideas and thoughts related to this issue and stated the opinion that the discussion could continue at this time. He expressed the opinion that the primary purpose this evening is to hear from the public on this agenda item and asked Councilmember Westbrook if he would present his remarks at this time.

COUNCILMEMBER WESTBROOKS said he would like to begin the discussion of a Family Advocacy Center (FAC), provide brief history relative to how the City has arrived at this point, and then hear from the public who has been extremely patient in view of the late hour and the long meeting that has taken place. He stated that his direct involvement with the issue of domestic violence began with the Maricopa Association of Governments (MAG) Regional Council in 1999 and noted that what he quickly learned was that the statistics on this issue were staggering Valley-wide as well as in the City of Chandler. He reported that 2.5 domestic violence incidents occur every day in the City of Chandler; 2911 domestic violence calls were made by Chandler residents during a one year period, representing an average of 8 domestic violence calls per day; approximately 1,226 reports were written by Police Officers; 917 arrests were made; 312 sex crimes were reported (almost one per day); 320 Orders of Protection were issued, 120 child forensic interviews dealing with child abuse were conducted in one year and there were 282 child abuse/neglect cases reported during that same period.

COUNCILMEMBER WESTBROOKS emphasized that the numbers are "under reported" and many do not come forward to report the crimes that have been committed. He said that in view of the staggering, frightening statistics, last year the City Council unanimously voted to research the feasibility of having a FAC in Chandler. He reported that a ten-member Task Force was formed and the members were from various disciplines throughout the City. He stated that recommendations came forward from the Task Force approximately nine to twelve months later and one of the options was to form a partnership between the City, the Chandler Unified School District, the San Marcos Wellness Clinic and Community Services of Arizona and to locate the facility on 5-acre school property.

COUNCILMEMBER WESTBROOKS commented that he would also submit that as the discussions have transpired over the last year or so in Chandler, other social service agencies have come forward and stated their strong interest in becoming a part of a FAC. He noted that one such agency is called "Neighbors Who Care" and another called "The Never Again Foundation." He said that they will hear from representatives of these organizations during the public input portion of the hearing. He stated the opinion that it has become quite apparent that a strong need exists for a social service facility such as this to be located within the City of Chandler. He noted that the facility would centralize the broad range of services outlined by him.

COUNCILMEMBER WESTBROOKS stated that the members of the Task Force also recommended a number of other viable options and added that those options are contained in the report that was submitted to the City Council. He noted that the one point he really wanted to make regarding this very serious issue is the fact that not only is this a social issue, it is also a public safety issue. He reported that when Police Officers respond to approximately 3,000 calls a year, a public safety issue exists. He said that he would like to receive input from the public regarding this very important matter and commented that during the May budget meetings that are soon approaching, he would ask that the Chandler City Council consider funding a Family Advocacy Center/Social Service Facility and that once funds have been allocated, that research relative to appropriate locations for the facility's location and appropriate partners be conducted.

COUNCILMEMBER WESTBROOKS thanked the members of the Task Force for their hard work and efforts to develop a comprehensive report. He stressed the importance of ensuring that enhanced public safety, from a social service perspective, is also provided to all of Chandler's residents. He added that this type of innovative model will positively impact the community as a whole and will serve as an investment in the community and help many who do not know how to access the services that are available to them.

VICE MAYOR HUGGINS expressed appreciation to Councilmember Westbrooks for his hard work in this regard and for his foresight and proactive efforts. He added that the establishment of a FAC would represent a giant step towards assisting victims of these types of crimes.

COUNCILMEMBER WALLACE also thanked Councilmember Westbrooks for his efforts. She said that she had the opportunity to visit Mesa's FAC and said that she remembers being told that it takes approximately three hours for victims to go through the process at a localized center as opposed to having to suffer through a three-week piecemeal process (two weeks now). She requested that before this issue is brought forward during the upcoming budget process, steps are taken to verify that the options presented by the members of the Task Force remain viable, in terms of possible partners, funding, and other recommendations. Councilmember Westbrooks indicated his intention to do so.

MAYOR DUNN commented that he has had professional experience with these issues while serving both as a Superior Court Judge Pro-Tem and as a family lawyer. He agreed that the statistics brought forward represent a serious problem within the community and stressed the importance of acknowledging the services that are provided by the Courts and the Police Department as well, while also recognizing that a centralized facility such as the one proposed can better assist Chandler residents in a more concentrated, focused manner. He agreed that important issues such as funding and identifying appropriate partnerships will require more research. The Mayor added that his vision for the City of Chandler is to develop what he refers to as the Chandler Justice Center, where one or two Chandler Justice Courts can be located near the City Court. He added that he would like to pursue providing the land for this opportunity as well as other opportunities (such as the FAC) to occur.

COUNCILMEMBER WESTBROOKS noted that the City of Mesa has established a FAC and encouraged Chandler citizens who are not familiar with this type of operation and/or who would like to learn more about one, to visit Mesa's facility and learn firsthand about the important services that are provided and the positive impacts that result. He added that Chandler residents currently take advantage of many of the services provided at Mesa's facility but noted that it is often difficult for residents to access the facility because of transportation problems. Councilmember Westbrooks also agreed that partnership issues must be explored and emphasized the importance of continuing to support existing social service providers within the City of Chandler.

MAYOR DUNN agreed that a consensus appears to exist among the members of the Council relative to the importance of pursuing this matter and the need to prioritize the methods used to develop a plan and achieve the identified goals for the next few years. He agreed that problems such as this exist within every community and a center would draw participants from outside of Chandler's borders as well, just as Mesa's center has provided services to Chandler residents and others requiring this type of specialized assistance. The Mayor also commented on security and agreed that this too is an issue that will have to be discussed and addressed.

COUNCILMEMBER ANDERSON commended Councilmember Westbrook on his efforts in this regard and said he is very optimistic regarding the outcome of discussions concerning this matter during the upcoming budget sessions. He stressed the importance of prioritizing needs and goals and said that he supports the concept as presented. He added that there is no doubt a strong need exists for the proposal to go forward and said the entire issue will come down to finances and funding.

MAYOR DUNN stated that a number of citizens have submitted cards to speak on this agenda item and said that he would like them to come forward at this time.

RICK AGUIRRE, 2120 N. Central Avenue, #250, Phoenix, resident of Chandler and a Sergeant with the Domestic Violence Unit representing the Phoenix Police Department, said that he serves at that City's Family Advocacy Center, and spoke in support of proceeding with the establishment of a FAC within the City of Chandler. He noted that he has witnessed incidents of domestic violence within his own neighborhood and said that the Chandler Police Department has done a very good job responding to those calls. He emphasized the importance of providing a support system for victims and in some cases the abusers. He reported that in the City of Phoenix, domestic violence calls come in second to false alarm calls and range in the area of 52,000 plus. He reported that last year the Family Advocacy Center responded to 17,000 domestic violence calls during calendar year 2002. He emphasized that resulting trauma is extensively reduced as a result of the critical services provided by FACs. He stressed the importance of providing these types of services and the positive impacts such a facility will have on the entire community.

SUSAN STEVENS-CLARKE, a member of Chandler's Domestic Violence Local Coordinating Committee and a resident of Chandler, said that the citizens of Chandler enjoy many positive aspects of the community, such as schools, shopping and restaurants, but also emphasized the importance of addressing some of the negative aspects that exist within the community, such as domestic violence. She spoke in support of establishing a FAC within the City of Chandler in order to adequately and effectively address this growing problem and provide services to those who so desperately need them.

DONNA DEVOE, a resident of Chandler, stated support for the establishment of a FAC and encouraged the members of the Council to identify funding for this important purpose. She added that statistics attest to the need for the center and the Council's only choice is to move forward without delay.

SUSAN HORAN, an 18-year resident of the City of Chandler, also spoke in support of the establishment of a FAC. She commented on the inconvenience that victims must suffer through now in addition to the crimes that have been committed against them and also the extensive amount of time that has to be spent in order to access and obtain much needed, often-critical and time sensitive services (often weeks when it should take hours). She emphasized that a definite need has been clearly identified and documented and needs to be addressed.

COUNCILMEMBER WESTBROOKS noted that Ms. Horan is the Director of the San Marcos Clinic and asked her to discuss the type of centralized services that are provided at that facility. MS. HORAN responded that the San Marcos Resource Center offers a wide range of services to Chandler residents who have little or no income. She explained they work out of two classrooms located at San Marcos and the School District donates the use of a room and free medical services are provided to uninsured children and low or no-income citizens, urgent care treatment is available, "well child" checkups, and external funding is obtained for prescriptions, medical imaging, and lab work. She added that the Chandler Regional Hospital provides an immunization

clinic on a regular basis and a food bank, clothing bank, adult education classes, and referrals and a vast array of other services available within the City of Chandler are also provided.

MS. HORAN noted that the number of citizens being served has dramatically increased over the years and it has now reached the point where the Center needs to build a free-standing Resource Center of their own. She said that they have received a fairly significant amount of cash and in-kind services have also been donated and added that with a little more money, they would be able to commence the construction phase on a facility very quickly. She noted that private donations, corporate foundation monies and other funding from a variety of sources have been received and added that the in-kind services they receive are significant. She pointed out that the actual service portion is carried out on a very small budget because most of the services are in fact donated. She reported that medical services are provided by Banner Health of Arizona, Chandler Regional Hospital, and a host of pediatricians. She stated the opinion that with the establishment of a FAC and a free-standing Resource Center, whether they end up being one entity or two separate locations, the facilities must be built so that the needs of Chandler's residents can best be met.

MAYOR DUNN spoke in appreciation of the services provided by the Resource Center and commented on the positive impacts this agency has had on the entire community.

MAYOR DUNN stated that Mesa was able to acquire their FAC building because it was already vacant and available and said that all viable options should be explored relative to the establishment of a FAC.

COUNCILMEMBER WESTBROOKS also pointed out that a five-acre parcel of land is available near the Resource Center as discussed by Ms. Horan and said that partnering with the School District is an exciting, viable option that should be looked at closely.

GINGER BEALER, Director of the City of Phoenix Advocacy Center, 2120 N. Central Avenue, #250, and a resident of Phoenix speaking on behalf of Councilmember Peggy Bilsteen, expressed support on the part of the City of Phoenix for the establishment of a FAC within the City of Chandler. She advised that the City of Phoenix Family Advocacy Center was approved by Mayor Skip Rimsza and the City Council in December of 1998. She noted that they provide a variety of comprehensive services for victims of both domestic violence and sexual abuse, ranging from counseling and support groups to investigative support and forensic medical examinations at one central location.

MS. BEALER reported that during the facility's first three years of operation, they made over 17,500 victim contacts and added that on average they see approximately 25 sexual assault victims and 30 domestic violence victims each month. She said that through their multi-disciplinary team comprised of advocates, detectives, nurse examiners and volunteers, the Center has had an immense impact on the way services are provided to victims of domestic violence and sexual assault. She agreed with Councilmember Westbrooks' previous comment that domestic violence is more than a social service issue, it is in fact a public safety issue, and reported that in the City of Phoenix it is the most dangerous call responded to by the Police Officers. She also commented on the opening of the Scottsdale Advocacy Center and on Prehab of Arizona stepping in to help save the West Valley Advocacy Center in Glendale, and reported that there are currently 12 advocacy centers throughout the State of Arizona. She noted that the addition of a regional advocacy center in Chandler will help meet the needs of victims experiencing family violence in the southeast valley. She commended the Council for their interest and their efforts in this important area.

MAYOR DUNN said that the Council received a letter from Councilmember Peggy Bilsteen in support of the establishment of a center in Chandler on behalf of the Governor's Commission to Prevent Violence Against Women and noted that Councilmember Westbrooks is now a member of that important group.

PATSY BASS, a resident of Chandler, spoke in support of establishing a FAC in the City of Chandler. She agreed that being a victim of any type of physical abuse is a terrifying experience and added that reporting that experience, after it has occurred, can be equally terrifying. She stated that she appreciates the fact that the Council is looking into the establishment of a facility to help victims and spoke in strong support of proceeding in this direction. She also commented that Mesa has a huge responsibility in providing services to the entire eastern region and said it is time that some relief is offered and for Chandler residents to have the services available to them closer to their home. She commented on the fact that residents from Gilbert, Tempe and even Ahwatukee would come to Chandler if the services were made available to them.

MAYOR DUNN stated that he intends to discuss this matter with the Mayor of Tempe to see whether that City has given any thought to providing these types of services.

ALLIE BONES, a resident of Chandler and Executive Director of the Coalition to End Homelessness, relayed the traumatic experiences of one victim and stated the opinion that being able to obtain assistance at a "one stop" facility is invaluable and benefits the victims tremendously. She urged the Council to proceed with the establishment of a FAC in Chandler and commented on the positive impacts that will result.

COUNCILMEMBER WALLACE commented on the importance of being pro-active as well in the area of prevention and dealing with the family directly in an effort to break the cycle, particularly as far as the children are involved.

NICOLE WINIECKI, 100 West Camelback, #109, Phoenix, representing the Arizona Coalition Against Domestic Violence, reported that Arizona is ranked second in the nation for women murdered by men and added that the crimes are not committed by strangers, but rather by people closest to the victims. She said that she visited the FAC in Prescott and was extremely impressed with that facility. She added that they utilize an extremely comprehensive approach to dealing with domestic violence and sexual assault victims and stated that it was wonderful to see law enforcement, Child Protective Services, the courts, the shelters and everyone else involved.

KEITH PERKINS, P.O. Box 893, Gilbert, Executive Director of The Never Again Foundation, a non-profit organization located on the Chandler-Gilbert border, said that only recently the staggering costs of domestic violence are being recognized, not only in terms of the victims, but to society as a whole. He said that billions of dollars are spent in this area each year and the only people who can pay for those costs are the perpetrators who commit the crimes, the victims and the rest of society who are trying to do things right. He added that at the current time, the only ones bearing the true cost are the victims and the rest of society and said that his organization provides legal representation for victims of domestic violence and sexual assault regardless of their ages or ethnicity. He added that steps are taken to help victims get back on their feet and start reallocating the costs of domestic violence by putting those costs back upon the perpetrators.

MR. PERKINS commented that the FAC will lower overall costs associated with providing services and encouraged the members of the Council to proceed with their efforts to establish a FAC in the City of Chandler.

In response to a question from Councilmember Westbrooks, Mr. Perkins stated that when dealing with abuse, there are three different "doors" under the law, the criminal system, the divorce or family court system and then the forgotten door, or the civil system. He pointed out that the criminal system is not designed to protect the victim, it is designed to protect society first and the defendant second. He added that if they back up and are able to coordinate all three of these different "doors," it is then possible to provide a holistic approach to what the law really provides. He said that his organization attempts to coordinate the full power of the law in order to help the victims. He commented on legislation that is being sponsored to close the loophole in the law and allow the three systems of the law to work better together and enhance victims' rights.

MR. PERKINS stated that his organization was responsible for a landmark case in Arizona in which they represented a woman whose husband tried to murder her. He said they helped her go through the criminal system and the husband was trying to take everything and her family as well in the divorce court. He stated that they then went over to the civil system, represented her, and was able to get her the largest domestic violence verdict ever in the history of Arizona, a \$1.25 million verdict. He noted that the full matter was finally resolved and the husband was not able to profit from his crime. He added that as of last week, his organization has the highest standing verdict in Arizona as to child molestation and said that this sends out the message that crimes such as these are not tolerated in our community.

MAYOR DUNN commented on the fact that the legal system, on occasion, can work very effectively but on other occasions, not as effectively as one would like due to a variety of circumstances. He stated the opinion that at times the Courts need to be stronger when deciding where children should be and consider seriously terminating the rights of parents when a history of domestic violence has been proven. He said that it is very frustrating when that need is not recognized and added that unfortunately, sometimes a parent loses the right to remain a parent and difficult but appropriate decisions need to be made. He thanked Mr. Perkins for his efforts as well as those of his organization.

MAYOR DUNN commented that a number of other citizens have submitted speaker cards in support of the center but do not wish to speak at this time. He added that partnership options, funding and community involvement with other communities needs to be explored and this matter should be further discussed during the budget process.

COUNCILMEMBER WESTBROOKS noted that although the City of Mesa has operated a FAC for quite a while and has provided services to Chandler residents, the City of Chandler has not contributed financially to the operation of that Center. He agreed that partnerships are important but emphasized that Chandler has taken advantage of neighboring facilities for an extensive period of time.

MAYOR DUNN said that he appreciates the services that Mesa has been providing but spoke in support of partnerships and support as well. He indicated that he would consider exploring entering into an Intergovernmental Agreement with Mesa in order to receive continuing services and be allowed the use of that facility.

MAYOR DUNN thanked Councilmember Westbrooks for his ongoing efforts in this area and the Council and speakers for their input.

There being no additional speakers wishing to provide input on this matter, the Mayor declared the public hearing closed at 10:46 p.m.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced the 2003 Chandler Jazz Festival would be held on April 25th, 26th and 27th at multiple venues in Historic Downtown Chandler. He noted that headliners include Tony Vacca and legendary trumpet virtuoso Jon Faddis, and a salute to Prince Shell. He added that the mini Mardi Gras Parade returns Saturday evening as well and said that all events are free. He encouraged citizens to check out the "Chandlerjazz.com" web site for more information.

The Mayor said that a Family Easter Celebration will be held this Saturday from 9 a.m. until Noon at the Snedigar Sportsplex, 4500 South Basha Road.

MAYOR DUNN stated that a San Tan Regional Park Design & Development Public Meeting will be held on Thursday, April 17th at Hull Elementary School, 2424 East Maren Drive. He invited citizens to attend and review informational displays and to speak with project team members to give input and suggestions for the Park's master plan. He encouraged citizens to call 602-383-2594 to obtain additional information on the meeting.

The Mayor commented on a horseback tour of Santan Park he and Councilmember Caccamo went on last week with Queen Creek Mayor Wendy Feldman-Kerr and many members of the Gilbert and Mesa City Councils.

MAYOR DUNN also commented on the various Cesar Chavez events that took place within the City, discussed the dinner that was held and progress that has been made within the City and asked Staff to comment on the successful neighborhood clean up event that took place. He thanked Councilmembers Westbrook and Caccamo on their efforts to ensure a successful clean-up event.

The Mayor announced the Executive Session would reconvene following adjournment of the City Council meeting.

B. Councilmembers' Announcements:

There were no Councilmembers Announcements at this time.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 10:50 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 10th day of April 2003. I further certify that the meeting was duly called and held and that a quorum was present.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, April 24, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

Also in attendance:

Donna Dreska	City Manager
Pat McDermott	Assistant City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Nachie Marquez, Dave McDowell, Chief Roxburgh, Pat Walker, Doug Ballard, Bryan Patterson.

INVOCATION: The invocation was given by Pastor Roger Storms - Chandler Christian Church.

PLEDGE OF ALLEGIANCE: Councilmember Wallace led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognitions

MAYOR DUNN, assisted by Assistant Municipal Utilities Director BOB MULVEY, recognized GEORGE MEDINA on his 20 years of dedicated service to the City of Chandler. Bob began his career with the Municipal Utilities Department when he began working as a laborer for the City and since then he has been promoted several times. He has held a number of positions including Equipment Operation 1, Water Plant Maintenance Foreman and, during the last 12 years, has served as a Well Maintenance Technician. George has been primarily responsible for the upkeep of equipment at the City's well sites and booster stations. George is well liked by his peers for his vast knowledge of the City's water system.

MAYOR DUNN, once again assisted by BOB MULVEY, recognized LARRY JERDEE on his 15 years of dedicated service to the City of Chandler. Larry spent the first seven years learning the tasks required to become a specialist in meter sets and hydrant maintenance. As a result of his expertise, he was selected to become a trainer for all new personnel in these areas and in January 1995, he was promoted to Operator II. Over the years, he has taken the time to become certified in additional operational areas such as backhoe operations and water distribution and recently he was instrumental in providing service line preparation for construction projects. Larry is always available to perform any task requested of him, he works well with others and is always

accessible to answer questions or assist in a task. In addition, Larry continually receives praise from the customers he comes in contact with through the "Values Program."

MAYOR DUNN, assisted by Chief Information Officer MARILYN DELMONT, recognized ALBERT DUBE for his ten years of dedicated service to the City of Chandler. Al enjoys working for the City and is passionate about helping his co-workers to be successful in technology efforts. He was hired to help enable the City to move their accounting software from an old UNISYS computer to a digital vax system. For the first four years, Al supported and maintained the purchasing and inventory software as well as accounts payable and after that he moved onto the utility billing system. Utility billing is a critical system for the City because it handles a large amount of City revenue and touches mostly every Chandler resident. Additionally, Al maintains the City sales tax software and has been a critical player in the on-going maintenance and upgrades of the Oracle financial systems.

2. Retirement Recognition

MAYOR DUNN, assisted by Acting Police Chief DAVE NEUMAN, congratulated MICHAEL BLUSE on his upcoming retirement from the Police Department. Officer Bluse served the Chandler Police Department for over 20 years and began his career with the Department in August of 1982, when he was assigned to the Patrol Division. He worked there until 1989 when he was selected for the Traffic Team as a Motor Officer, a position he served in until 1991. In 1994, Officer Bluse was chosen to serve on the Selective Enforcement Team, which focused on gang identification and enforcement. He excelled in this area and was selected to be part of a Statewide task force called "GITTEM," which stands for Gang Intelligence Team Enforcement. He served in that Unit until 1996. That year, he received the GITTEM Officer of the Year Award for his excellent work ethic and investigation skills. After serving in several other positions within the Department, he returned to the Traffic Team in 2000 as a Motor Officer, and has served in that capacity until now. Throughout his career, Officer Bluse has been a respected speaker and has always been a dedicated, loyal employee and an asset to the City of Chandler and its Police Department.

VICE MAYOR HUGGINS also commented Officer Bluse on his accomplishments throughout his career and said that it was his honor to serve as the Sergeant responsible for training when he joined the Department. He noted his excellent work ethics and professional demeanor and wished him the very best in his retirement.

3. Proclamation - National Community Development Week

MAYOR DUNN requested that Community Development Coordinator PATRICK TYRRELL join him as he read a Proclamation on National Community Development Week. The Mayor stated that the Community Development Block Grant (CDBG) Program has operated since 1975 to provide local governments with the resources required to meet the needs of persons with low or moderate income. He said that Chandler and other local governments have clearly demonstrated the capacity to administer and customize the CDBG Program to identify, prioritize resolve pressing local problems such as affordable housing, neighborhood and human service needs, job creation and retention and physical development. The Mayor said it is his honor to proclaim April 21 through 27th of this year National Community Development Week.

MR. TYRRELL commented that Chandler held National Community Development Week this past week and added that the City actually hosted the Community Development celebration for the State of Arizona.

4. Purchasing - Accreditation Recognition

MAYOR DUNN asked Management Services Director PAT WALKER to assist him in presenting Purchasing Supervisor ROBERT DESCHEEMAKER with a plaque honoring that Department's accreditation efforts. Ms. Walker asked that other members of Staff also join Robert at the podium. She announced that on March 31, 2003, the Purchasing Division was notified by the National Institute of Governmental Purchasing that the City of Chandler attained the Outstanding Agency Accreditation Award for excellence in public procurement.

MS. WALKER noted that this award was received as a result of the hard work of Purchasing and Materials Manager GEORGE KITAMURA who put all of the paperwork together for the application and has been in charge of the Purchasing Division for quite a few years. Ms. Walker noted that the Institute formally recognizes excellence in public purchasing by establishing standards that should be in place for a solid purchasing operation. She added that in order to obtain accreditation through this program, agencies must submit substantial documentation as well as a demonstration of "best practices." Ms. Walker reported that only 53 governments throughout the United States and two in Canada have achieved this accomplishment and added that the certification is valid for three years at which time the City will be required to reaccredit.

MAYOR DUNN congratulated Ms. Walker, and the members of the Purchasing Staff on achieving this significant recognition.

UNSCHEDULED PUBLIC APPEARANCES:

"WILLIE" (WILMA) BURGESSON, 1135 E. Germann Road, expressed concern relative to density levels that exist within Chandler. She added the opinion that the airport should be expanded in order to generate an increased tax base and to accommodate "summertime" flying demands. She also expressed concerns relative to the paseo area and added the opinion that homes on a minimum lot size of a half acre should be developed at that location in order to protect the aesthetics and quality of life in that area. She thanked the Council for looking into these matters.

MAYOR DUNN thanked Ms. Burgessson for her comments.

A new resident of Chandler who lives at 528 West Greentree, said that he would like the Council to address two issues, the first, the disturbance that barking dogs cause in neighborhood areas and the second, safety hazards, particularly for children, that are caused by persons who drive excessively fast through Chandler neighborhoods. He asked the Council to initiate action in these areas and to bring them under control. He also requested that the Council consider providing senior citizens on limited incomes some sort of property tax reduction or abatement. He thanked them for the opportunity to address them.

MAYOR DUNN requested that staff follow up on the neighborhood issues presented by the speaker.

CONSENT:

MAYOR DUNN stated that COUNCILMEMBER WALLACE has requested that Agenda Item #6 (APPROVAL of City Manager resignation agreement) be moved to the Action Agenda.

MOVED BY VICE MAYOR HUGGINS, seconded by COUNCILMEMBER BRUNO, to approve the Consent Agenda as presented with Agenda Item #6 placed on the Action Agenda. MOTION CARRIED UNANIMOUSLY (7 to 0).

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Special Meetings of April 7, April 10 and April 16, 2003, and the Chandler City Council Meeting of April 10, 2003.

2. EASEMENT/USA: Irrigation/Accommodate SRP Facilities in Pecos Road Ord. #3437
@ Ellis and Fairview Street (Stone Oaks Apts.)

ADOPTED Ordinance No. 3437, granting a no-cost irrigation easement to the United States of America to accommodate Salt River Project (SRP) irrigation facilities in Pecos Road at Ellis Street and in Fairview Street, as part of the development for Stone Oaks Apartments, as recommended by Staff.

3. DEVELOPMENT PLAN: Windmill Square and Villas Ordinance #3444

ADOPTED Ordinance No. 3444, (DVR02-0032 Windmill Square and Villas), amending a portion of an existing PAD to allow a 43-lot single-family residential subdivision and commercial center, along with a Preliminary Development Plan including housing product, on approximately 18.13 acres located at the NEC of McClintock and Ray Roads, as recommended by Staff.

4. ANNEXATION: NWC Brooks Farm and Lindsay Roads Ordinance #3446

ADOPTED Ordinance No. 3446, the annexation of approximately 240 acres located on the NWC of Brooks Farm Road and Lindsay Road (or SWC of Ocotillo Road and Lindsay Road), as recommended by Staff. Applicant: Tim Campbell, LVA Urban Design Studio; Owners: Stephen Brophy Trust, Dobson Group Limited Partnership, Roosevelt Water Conservation District, Garnett Land LLP, Dobson Bell I LTD Partnership Etal, D&G Investments Limited Partnership, Richard and Terri Hanger.

5. SETTLEMENT: City of Chandler v. Eller

APPROVED the settlement of a condemnation action, City of Chandler v. Eller for the sum of \$370,000.00, plus statutory interest, as recommended by Staff. The property is mixed-use residential/commercial at the SWC of Chandler Boulevard and Colorado Street. This is a full take of the fee interest. The City acquired immediate possession of the property on September 10, 2002 and has completed paying related relocation benefits for the businesses and persons occupying the site. The sole remaining issue in dispute was the value of the property. The recommended payment exceeds the City's appraisal of \$310,000.00 but is substantially less than the \$450,000.00 demanded by the property owners. Payment will come from funds budgeted for Site 7 acquisitions.

6. On the Action Agenda (City Manager Resignation Agreement)

7. ANNEXATION: SEC McQueen/Germann Rds./ Los Arboles Park Site Ord. #3443

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3443, the annexation of approximately 12 acres south of the SEC of McQueen Road and Germann Road, as

recommended by Staff. Applicant: Mickey Ohland, Park Operations and Development Division; Owner: City of Chandler. The City Council held a public hearing on this item on March 13, 2003. Staff has received the original signed petition from the property owner and the request has been processed in compliance with State Statutes governing annexations.

The City has purchased approximately 12 acres of land at the location listed above for Los Arboles Park. The annexation will permit the park's development within the City and will incorporate all property required for the proposed park. The property is zoned R-43 (Rural Residential) in the County. The City's General Plan Land Use Element designates this property Recreation/Open Space. The property is not within a flood zone. A portion of the property lies within the 55 DNL noise contour. The development of Los Arboles Park will link the Paseo and Tumbleweed Park.

8. DEVELOPMENT PLAN/PRELIMINARY PLAT: Adobe Towers Ordinance #3448

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3448 (DVR02-0036 Adobe Towers), rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for a single-family residential subdivision with Preliminary Development Plan for subdivision layout and housing product for the 1.9-acre site located at 1250 West Ray Road (West of the intersection of Ray and Alma School Roads) and a Preliminary Plat (PPT02-0012 Adobe Towers) for a 14-lot single family subdivision with two-story homes. (Applicant: John Makarchuk, Adobe Towers Ltd.)

The subject site is the remaining parcel of the Henry Family homestead which contained 4 buildings. The applicant has already removed the old structures from the site. The subdivision is proposed as a gated community with primary access off Central Drive. A Design Review Board hearing was held on February 18, 2003 and the applicant has agreed to incorporate changes suggested by the Boardmembers at the hearing. Staff evaluated the proposal as an in-fill subdivision but the project is not eligible to apply for the Residential In-Fill Development Incentive since that incentive requires a 50-foot right-of-way public street and the parcel's shape and size does not permit this size street.

The request was noticed according to the provisions of the City of Chandler Zoning Code and neighborhood meetings were held on October 15, 2002, January 21, 2003 and March 18, 2003. Concerns raised by the neighbors were sufficiently addressed by the applicant and the project received the support of the Festival Homeowners' Association. Upon finding consistency with the General Plan, Planning Commission and Staff recommended approval subject to the conditions listed in the ordinance.

9. DEVELOPMENT PLAN/PRELIMINARY PLAT: Festiva Court Ordinance #3449

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3449, (DVR01-0029) rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for subdivision layout and housing product for the 38.3-gross acre site located on the SWC of Hamilton Street and Knox Road, and Preliminary Plat (PPT01-0020 Festiva Court) for a 155-lot single-family subdivision with one-story homes. (Applicant: Earl, Curley & Legarde, Owner: Metro Knox Ventures, L.L.C.) A General Plan Amendment was adopted in February 2001 re-designating the subject parcel from Major Employment to Low-Medium Density Residential.

Despite the in-fill nature of this application, the proposed housing product incorporates 18 of the 22 architectural elements and the proposed subdivision implements 16 of the 21 diversity elements. The application has been under review at the City for approximately two years due to

issues regarding finished floor heights and low-outfall points. The applicant was required to address flood plain issues with the City as well as with Maricopa County Flood Control. The sites restrictive flood control constraints have finally been resolved, allowing the application to move forward. Staff evaluated the proposal as an in-fill project despite the approximate 38-acre size. While the subdivision and housing product do not conform to all the updated residential development standards, the proposal does exceed the quality of the surrounding residential neighborhoods to the north and east and will provide an affordable housing option for Chandler's citizens.

The request was noticed in accordance to the provisions of the City of Chandler Zoning Code. A neighborhood meeting was held on March 4, 2003 and four neighbors attended the meeting. No objections were presented. Staff has not received any phone calls or letters from residents opposing the proposal. Upon finding consistency with the General Plan, Planning Commission and Staff recommended approval subject to the conditions listed in the ordinance.

10. GRANT: Downtown Improvement Fund Matching Grant/Kokopelli Winery, Inc.

APPROVED a Downtown Improvement Fund (DIF) matching grant in an amount not to exceed \$35,000 to Kokopelli Winery, Inc. for the expansion of a building located at 35 West Boston Street, as recommended by Staff. The City created the DIF matching grant program for the purpose of encouraging investment in Historic Downtown Chandler by viable retail and restaurant businesses that will generate employment and complement the current business mix. Specifically, the funds are to be used to reimburse the property or business owner for up to \$35,000 or half of the costs, whichever is less, associated with the necessary tenant improvements to renovate or expand space for the specified retail or restaurant use in the Downtown Improvement Fund Target Area.

Kokopelli Winery, Inc. occupies the 3,333 square foot building at 35 West Boston Street and 145 square feet of the adjacent breezeway at 45 West Boston Street. The business has asked for City participation in the construction of a 500 square foot expansion to accommodate the production and bottling of wine on-site using existing DIF matching grant funds. The project creates a storefront look with viewing into the production room, lighting, signage and an entrance into Kokopelli Winery on the south side of the building facing future development on Site 6. Total costs for the expansion improvements are estimated at \$89,400. Reimbursement of expansion improvement costs to the owner will occur upon completion of the project and receipt of Certificate of Occupancy and confirmation by Staff of expansion improvement costs to meet the requirements of the DIF program.

11. EASEMENT: CITY OF CHANDLER/ROM PROPERTIES Ord. #3450

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3450, granting a perpetual easement agreement between the City of Chandler and ROM Properties, L.L.C. for the construction of an archway adjacent to the Kokopelli Winery, as recommended by Staff. The Kokopelli Winery is planning to expand its existing building to the south. The proposed 500-square foot building expansion locates the building at a zero lot line adjacent to the alley right-of-way, which is consistent with the location of adjacent buildings to the east and west. The proposed building expansion on the south side of the building will align with the south side of Saba's Western Wear to the west of the Breezeway. The existing Breezeway will remain in between the two buildings. The entrance to the Breezeway is currently in alignment with the existing Kokopelli Winery building and easily visible. This entrance will be set back between the two adjacent buildings as a result of the expansion.

The granting of an easement to ROM Properties L.L.C. allows the City to facilitate the construction of an archway entry feature over a public walkway in conjunction with the Kokopelli Winery expansion. The arch over the walkway is intended to provide location visibility for the Breezeway and is designed to match the south elevation of the facade of the Kokopelli Winery and enhance the design of the area and future redevelopment to the south.

12. IGA/MARICOPA COUNTY: Disaster & Emergency Mgmt. Services Resolution #3608

ADOPTED Resolution No. 3608, approving an Intergovernmental Agreement for disaster and emergency management services between Maricopa County and the City of Chandler for providing a common defense against disaster, as recommended by Staff. The City of Chandler has had an Intergovernmental Agreement with Maricopa County for the last ten years and it is time to review and update the agreement, which is a working document between both entities to provide support in the case of a disaster. The City of Chandler has already paid this year's fees under the current IGA. The calculation for the FY 2003-04 assessment is \$13,291.23.

13. CHANGE OF USE: Right-of-Way for New Facilities Yard Resolution #3615

ADOPTED Resolution No. 3615, applying a portion of the New Facilities Yard located at 1800 S. McQueen Road to another use (road right-of-way), as recommended by Staff. On October 7, 1991, the City of Chandler, through the Public Works Department, purchased a 30-acre site to be used for the New Facilities Yard located at 1800 S. McQueen Road. The City is in the process of expanding this facility and a collector street is in these plans.

It is necessary to provide this right-of-way along the north side of the City's property. The total project budget and cost includes the land reimbursements offered by the other City Departments to the municipal Utilities Department. The reimbursements were developed based on the percentage of land used by each Department, which includes the new collector road.

14. AGREEMENT/INTEL: Reimbursement/Transit Service Operating Costs Reso. #3618

ADOPTED Resolution No. 3618, authorizing an agreement with Intel Corporation to reimburse the City of Chandler for operating costs for transit service through the Intel Campus at 5000 West Chandler Boulevard for \$8,370 per year, as recommended by Staff. The City of Chandler operates two transit routes that provide service to the Intel campus at this location, Route 72 (Rural Road) and Route 156 (Chandler Boulevard). This agreement will authorize public transit vehicles to operate on Intel property and provide for Intel to reimburse the City for associated operating costs on Intel property. Cost to the City for operating these routes is not affected by this agreement.

Intel provides incentives to its employees to use public transportation to commute to work and has requested that the City continue to provide transit service through the campus during peak commute times. This agreement provides Intel's transit riders with closer access to their office location.

15. ACTING CITY MANAGER APPOINTMENT: Pat McDermott

APPROVED the appointment of Pat McDermott as Acting City Manager and approval of payment of use or lose vacation on July 1, 2003 and January 1, 2004 not to exceed 80 hours.

16. AGREEMENT EXTENSION: Bancorp Piper Jaffray/Financial Advisory Services

APPROVED a one-year extension of Agreement MS2-0893-1847 to US Bancorp Piper Jaffray for Financial Advisory Services, as recommended by Staff. A financial advisor is used for their expertise on all items of financing necessary to the City's operations, which include general obligation, street and highway, water and sewer revenue, Municipal Property Corporation and Improvement District bonds and other related financial services.

Financial specialists assist the City in developing a bond issuance strategy with an understanding of innovative debt financing methods which can reduce costs, prepare bond documents and market bonds to investors.

17. BOARD AND COMMISSION APPOINTMENTS:

APPROVED the Mayor's recommended appointments to the following Boards and Commissions:

Airport Commission

Stanley Olivier
Peter Hemingway

Architectural Review Committee

Bob Weworski
Al Waitr
Gina Giammona

Arts Commission

Laurie Fagen

Board of Appeals

David Love

Chandler Cultural Foundation Mgmt Bd

Lydia Gonzales
Harriet Rickert

Housing and Redevelopment Committee

Gabriel Terry

Industrial Development Authority

Shannon Wilson

Architectural Excellence Award Committee

Barbara Meyerson (Arts)
Mark Irby (P/Z)
Michael Flanders (DARC)
Dave Olney (Chamber)
Steve Venker (Citizen)
Maria Cadavid (Citizen)
John McNelis (Citizen)

Board of Adjustment

Ray Prettyman

Panel for Review of Police Complaints & Use Force

Philip Alexander
Sandra Monroig
Donald Hughes
Ahmad Al-Akoum

Human Relations Commission

Wanda Manuel
Mary Poindexter

Library Board

Chris Stage
Mary Huston
Christine Loschiavo

Mayor's Committee for the Aging

Larrestine Trimm
Judi Sefton

Mayor's Committee for People with Disabilities

John Perkins
Janet Rosen
Genevieve DeLaney

Mayor's Literacy Board

Linda Mesa
Kim Freehan

Merit System Board

Allison Mayer (Alt. to Primary)
George Lyon
Al Wisniewski, Alternate

Museums Advisory Board

Dave Eske
Scott Clapp
Corley Haggarton

Neighborhood Advisory Committee

Marva Smith
Alex Williams

Parks and Recreation Board

Evelyn Beck
Lloyd Harrell
Larry Hilton

Planning and Zoning Commission

Brett Anderson
Phil Ryan
Mark Irby

Transportation Commission

Kevin Brantley
Jon Firpach

18. HOUSING: FY 2003-04 HOME Program Funding Allocation

APPROVED the allocation of \$479,907.00 in FY 2003-04 HOME Program funds to the City's Housing Rehabilitation Loan Program and Down Payment Assistance Program as recommended by the Housing and Redevelopment Committee (HARC) and Staff. The City of Chandler, through its participation in the Maricopa HOME Consortium, expects to receive \$479,907.00 in FY 2003-04 HOME funds. The HOME Program is a Federal grant to expand homeownership opportunities and improve the quality of existing housing. The funding is exclusively available to provide for affordable housing activities (i.e. housing rehabilitation and down payment assistance). HARC and Staff recommended that the funds be distributed as follows: \$391,907 to the Housing Rehabilitation Loan Program; \$50,000 to Down Payment Assistance to Eligible First-time Homebuyers; and \$38,000 to be used for Oversight and Administration.

19. COUNCIL AUTHORIZATION: File Lawsuit Against the Eleven Station Limited Partnership

AUTHORIZED the City Attorney to file a lawsuit against the Eleven Station Limited Partnership (TESLP) to recover contractually imposed access fees, the costs of well closure and other closure costs incident to the placement of monitoring wells on City property. TESLP is responsible for remediation of groundwater contamination caused by the operation of a gasoline station on the lot west of the SWC of Chandler Boulevard and Arizona Avenue. During the course of that remediation, TESLP was required by ADEQ to place two groundwater monitoring wells west of the service station site. TESLP entered into an access agreement with Cox in 1995 to place these wells on the west side of Oregon Street south of Chandler Boulevard. TESLP was contractually obligated to pay Cox \$700 per year as an access fee. The wells were used to monitor the extent of contamination caused by the operation of the service station site.

Approximately four years after TESLP entered into the access agreement with Cox, the City acquired the land on which the TESLP wells were located from Cox and the access agreement inured to the benefit of the City. TESLP has not paid the City the access fees required pursuant to the Cox access agreement. In 2002, the City terminated the existing access agreement in accordance with the terms thereof and requested that TESLP execute the City's standard form access agreement that has been required of all similarly situated entities requesting access to City property for the placement of wells. When TESLP refused, the City, after substantial attempts to resolve the matter with TESLP, notified TESLP that it would close the wells in question and seek reimbursement for the cost of closure. The City closed the wells in March 2003 at a cost to the City of \$5,100.

20. HOUSING: Subordination of Housing Rehabilitation Lien - 544 N. Washington St. (Stoner)

APPROVED a request to subordinate the Housing Rehabilitation Lien on Project No. 98-2-2 located at 544 North Washington Street, as recommended by Staff. The single-family, owner-occupied home was rehabilitated under the City of Chandler's Housing Rehabilitation Program in 1998. A lien was placed against the property by the City for \$24,934.00. This lien is in the form of a 10-year repayable loan with the balance currently at \$21,920.00.

The owners have applied for a loan to refinance their first mortgage and consolidate debts in order to reduce their monthly payments. There will be no cash out to the owners. The approximate total amount of the new loan would be \$91,000.00. In order to obtain the loan, a subordination of the City's lien is required by the lending institution. The City's lien is currently in second position and would remain in second position after the new loan. The property has been appraised at \$118,000, which is more than the combined encumbrances of the City's lien and the new first mortgage.

21. COUNCIL AUTHORIZATION: Assignment of Contractor's License Bond Claim to Pueblo West Contracting LLC

AUTHORIZED the Mayor to execute an assignment of contractor's license bond claim to Pueblo West Contracting LLC. The City contracted with Don Short Contracting Inc. (DSC) to perform fire hydrant installation activities. Some deficiencies were noted regarding the work performed by DSC which could have required the City to go against the bond of DSC to resolve. Pueblo West Contracting completed the work started by DSC without requiring the City to seek recovery against DSC's bond. The assignment should have no financial impact on the City and should

permit Pueblo West Contracting the opportunity to seek reimbursement for the costs it incurred in properly installing the hydrants from DSC's contractor's bond.

22. No item.

23. APPROPRIATIONS TRANSFER: Airport Capital to Airport Aviation Gas & Oil

APPROVED an appropriations transfer in the amount of \$35,000 from Airport Capital to Airport Aviation Gas & Oil, as recommended by Staff. Sales of aviation fuel at the airport this fiscal year will exceed budget projections and the additional appropriations transfer approved on January 23, 2003. The FY02-03 airport budget estimates were based upon the airport's fiscal year purchase/sales of approximately 80,000 gallons of aviation fuel. Revised aviation fuel sales projections in January required the appropriations transfer based upon the fiscal year purchase/sales of 133,000 gallons. Aviation fuel sales continue to increase and Staff now anticipates that the purchase/sales for FY02-03 will be approximately 147,000 gallons. In addition, the cost of aviation fuel has risen dramatically since January 2003.

An appropriations transfer of \$350,000 from Airport Capital to Airport Aviation Gas & Oil is needed to acquire an additional 14,000 gallons of aviation fuel at the higher than anticipated fuel prices. This will allow the continued and uninterrupted purchase and sales of aviation fuel by the City through the end of the fiscal year. The requested transfer amount reflects the cost of acquiring the aviation fuel, which has risen almost 20% since the prior appropriations transfer.

24. ENGINEERING SERVICES CONTRACT AMEND. # 1: Carollo Eng./Arsenic Pilot Study

AWARDED an Engineering Services Contract Amendment No. 1 to Carollo engineers for an arsenic pilot study as part of the Integrated Water & Reclaimed Water System Master Plans, Project No. WA0206-101, in an amount not to exceed \$117,082, as recommended by Staff. In January 2001, the Environmental Protection Agency (EPA) adopted regulations for arsenic in drinking water. The new regulation requires the City of Chandler to reduce arsenic concentrations in fourteen (14) drinking water wells by January 2006. Constructing wellhead treatment systems will reduce arsenic levels. The proposed Arsenic Pilot Study will determine the best treatment strategy by installing small-scale, or "pilot" treatment systems, at certain well sites.

In August 2002, the City Council awarded the Integrated Water, Wastewater and Reclaimed Water Master Plans to Carollo Engineers. One component of the Water Master Plan is to develop Capital Improvement Plans for arsenic treatment. This contract amendment allows Carollo Engineers to make specific design recommendations and better identify costs for full-scale treatment systems.

25. DESIGN & CONSTRUCTION COST REIMBURSEMENT /SRP: Relocation of
Utilities for Ray Road Widening (Dobson to Bullmoose)

APPROVED reimbursement of design and construction costs to Salt River Project (SRP) for the relocation of utilities for the Ray Road Widening (Dobson to Bullmoose), Project No. ST0201-501, in the amount of \$36,610.00 as recommended by Staff. Salt River Project needs to relocate their utilities to accommodate the City's project for the Ray Road Widening (Dobson to Bullmoose). Since Salt River Project has prior rights, the City is required to reimburse Salt River Project for all associated costs to relocate their utilities.

26. CONSTRUCTION COST REIMBURSEMENT CONTRACT/SRP: Relocation of Utilities for Dobson Road Improvements (Frye to Germann)

APPROVED reimbursement of construction costs to Salt River Project (SRP) for the relocation of utilities for the Dobson Road Improvements (Frye to Germann), Project No. ST0123-501, in the amount of \$179,265, as recommended by Staff. Salt River Project needs to relocate utilities to accommodate the project for the Dobson Road Improvements (Frye to Germann). Since SRP has prior rights, the City is required to reimburse SRP for all costs associated with relocation of their power lines. The costs include relocation and undergrounding of the 12kV power lines on the east side of Dobson Road from Germann to Chuparosa Park.

27. DESIGN COST REIMBURSEMENT CONTRACT/SRP: Relocation of Utilities for Pecos Rd. Improvements (Dobson to McQueen Roads)

APPROVED reimbursement of design costs to Salt River Project (SRP) for the relocation of utilities for Pecos Road Improvements (Dobson to McQueen Roads), Project No. ST0244-501, in the amount of \$82,965.00, as recommended by Staff. Salt River Project needs to relocate their utilities to accommodate the City's project for the Pecos Road Improvements (Dobson to McQueen). Since SRP has prior rights, the City is required to reimburse SRP for all associated costs to relocate their utilities. The design will relocate the irrigation ditch on the north side of Pecos Road from Dobson Road to McQueen Road. This open ditch is currently located in the area that will be under the proposed new Pecos Road pavement.

28. PURCHASE: Herbicides & Pesticides

APPROVED utilization of the Arizona Department of Transportation (ADOT) Contract #TO321A0014 with United Agricultural Products, Target Specialties Products, Helena Chemical Company and Univar USA, for the purchase of herbicides and pesticides in an amount not to exceed \$42,000 as recommended by Staff. The herbicides will be used to control weed germination in landscape areas as well as undeveloped right-of-ways and retention basins. The pesticides will be used to control mosquitoes and ants within parks. These products will be applied by a certified herbicide and pesticide applicator from both the Park Operations Division and Streets Division. Utilization of this ADOT contract will provide a savings of 10 to 15% based on current market pricing in addition to saving the City costs associated with the bid process.

29. PURCHASE: Turf Maintenance Equipment/Simpson Norton Corp.

APPROVED utilization of the Mohave Educational Services Cooperative Contract, #OOG-SNC-0929 with Simpson Norton Corporation for the purchase of turf maintenance equipment in an amount not to exceed \$90,341.00, as recommended by Staff. The Chandler Parks Division currently has the need to replace various pieces of equipment which are used in maintaining City parks. The addition of new park facilities also requires the purchase of some additional maintenance equipment. The replacement equipment includes three utility carts, one small mower and one turf vacuum. The existing equipment is in constant need of repair and maintenance and Fleet Service has requested that the equipment be replaced. Mohave charges a 1% fee for use of their contract, however, use of the contract eliminates the cost of going out to bid, reduces the lead time in obtaining the products, and results in a lower overall cost due to Mohave's purchasing power.

30. No item.

31. No item.

32. CONTRACT: Qwest - Installation of Communications Conduit/Arizona Ave. @ Santan

APPROVED entering into a contract with Qwest for installation of communications conduit on Arizona Avenue at the Santan Freeway in the amount of \$28,485.91, as recommended by Staff. As part of the construction of the Santan Freeway between Dobson Road and Arizona Avenue, the City requested that ADOT construct a number of improvements on the part of the City. One of the improvements included a communication conduit in Arizona Avenue across the Santan Freeway from Pecos Road to Willis Road, 2,256 linear feet. In addition, Qwest was also installing similar conduit in Arizona Avenue across the freeway. This patch would have required two street cuts in Arizona Avenue. To eliminate both of the pavement cuts, the City and Qwest agreed to a joint trench installation for both facilities. The City's communication conduits will be designed and constructed by Qwest in advance of the Santan Freeway construction by ADOT. The anticipated construction start is July 2003.

33. CONTRACT EXTENSION: Electrical Parts & Supplies

APPROVED a one-year extension of Contract #BF1-5975-1742 with Sun States Wire, Presco, Graybar, Brown Wholesale, and Grainger, for the purchase of electrical parts and supplies in an amount not to exceed \$210,000.00, as recommended by Staff. June 2001 to May 2002 was the initial contract year for electrical parts and supplies. The contract contained a provision for two one-year extensions upon a mutual agreement between the City and the contractor. The first one-year extension will end May 31, 2003. The requested one-year extension is for the supply of a variety of electrical parts and supplies which are stocked in the City's Central Supply and used primarily by the Building and Facilities, Traffic, Water Production, Reverse Osmosis and Park Development Divisions.

City Staff is satisfied with the service provided by the current contractors and has requested that the contract be renewed for the period June 1, 2003 through May 31, 2004. The six companies listed above have agreed to renew the contract at the original bid pricing. The City will avoid administrative costs associated with re-bidding by extending the contract for an additional year.

34. CONTRACT EXTENSION: Nesbitt Contracting/Asphalt Mill & Inlay Service

APPROVED the one-year extension of Contract No. ST2-5610-1890 with Nesbitt Contracting Co., Inc. for asphalt mill and inlay service in an amount not to exceed \$1,087,600, as recommended by Staff. The Street Division's Pavement Management System has identified streets that require rehabilitation by milling the existing surface and re-laying new asphalt. The mill and overlay of streets is necessary when the pavement is at or below a condition that the street can no longer be maintained with slurry seal or micro seal applications at a serviceable level. The project will rehabilitate about eight miles of local streets within six square miles. The work is scheduled to begin in June 2003 and be completed in October 2003. Access to residences and businesses will be maintained at all times.

In May 2002, the City Council awarded a one-year contract to Nesbitt Contracting Co., Inc. with two additional one-year extensions upon mutual agreement between the City and the contractor. The current contractor has agreed to extend the contract for the first of the two one-year extensions and has requested a 7.4% increase for traffic control and a 3.7% increase for 2" asphalt paving. The increase for these two items of the contract result in a 2.5% increase in the total project cost between last year's unit prices.

35. PURCHASE: Tools & Material Handling Supplies/Grainger

APPROVED use of the State of Arizona Contract #AD020184 with Grainger for the purchase of tools and material handling supplies in an amount not to exceed \$45,000, as recommended by Staff. In the past, the City has fulfilled its requirement for tools and material handling supplies utilizing several State of Arizona contracts. These supplies are now offered through the State on a single contract with Grainger. The proposed contract amount reflects anticipated usage based upon previous usage and includes a contingency for unanticipated needs.

Use of the State of Arizona Contract with Grainger saves the City the costs associated with the bid process and reduces the lead time in obtaining the products, therefore resulting in a lower overall cost due to volume discounts. Also, administrative cost savings will be achieved by the issuance of a single purchase order to one vendor for the commodities required.

36. USE PERMIT: Brooke Corporation

CONTINUED to the May 8, 2003 City Council Meeting, UP03-0003 Brooke Corporation, a request for a Use Permit for a Real Estate and Insurance Business in a single-family residential zoning district located at 598 West Chandler Boulevard (NEC of Chandler Boulevard and Hartford Street). Applicant: Doyle Purvis for Brooke Corporation. Due to an error in the notices mailed to the surrounding property owners, Planning Commission and Staff recommended a two-week continuance to re-notice the neighbors.

37. SPECIAL EVENT LIQUOR LICENSE: American Legion Post 91/Men's Spring Training Softball Tournament

APPROVED the issuance of a City of Chandler Special Event Liquor License and that a recommendation for approval of a State Special Event Liquor License for American Legion Post 91 be forwarded to the State Department of Liquor Licenses and Control. The organization intends to hold a fundraiser at the Men's Spring Training Softball Tournament on Saturday, April 26, 2003 from 8:00 a.m. until 8:00 p.m. and Sunday April 27, 2003 from 10:00 a.m. until 6:00 p.m. at the Snedigar Sportsplex, 4500 S. Basha Road. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated even periods.

The Police Department reported no objections to the issuance of the license. As the applicant is a non-profit organization, no sales tax license is required; however the special event liquor fee has been paid.

38. LIQUOR LICENSE: Peruanitos

APPROVED a request for a Series 12 City of Chandler Restaurant Liquor License (#12075435) and that a recommendation for approval of State Liquor License No. 300000566 for Greg C. Murphy, Agent, the G L Murphy Company LLC, dba Peruanitos, at 2051 W. Warner Road, Suite 7, be forwarded to the State Department of Liquor Licenses and Control. The application reflects a change in ownership and Planning and Development has advised that a new Use Permit is not required since this will be a continuation of the location's previous use as Peruanitos.

The Police Department reported no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

39. LIQUOR LICENSE: Garcia's Mexican Restaurant

APPROVED a request for a Series 12 City of Chandler Restaurant Liquor License (#12075429) and that a recommendation for approval of State Liquor License No. 300000567 for Kevin J. Olson, Agent, Fiesta LLC, dba Garcia's Mexican Restaurant #41, at 2394 N. Alma School Road, be forwarded to the State Department of Liquor Licenses and Control. The application reflects a change in ownership and Planning and Development has advised that a new Use Permit is not required since this will be a continuation of the location's previous use as Garcia's.

The Police Department reported no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

MOVED BY VICE MAYOR HUGGINS, SECONDED BY COUNCILMEMBER BRUNO, to approve the Consent Agenda with Agenda Item #6 (Approval of City Manager Resignation Agreement) moved to the Action Agenda. MOTION CARRIED UNANIMOUSLY (7 TO 0).

ACTION AGENDA:

MAYOR DUNN stated that the Public Hearing would be moved up on the agenda.

PUBLIC HEARING:

PH1. FY 2003-2004 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Authorizing receipt and allocation of FY 2003-04 Community Development Block Grant (CDBG) funds in accordance with the recommendations of the Chandler Housing and Redevelopment Committee and Staff.

MAYOR DUNN declared the public hearing open at 7:28 p.m.

Community Development Coordinator PATRICK TYRRELL provided a brief overview of this agenda item and noted that the City of Chandler expects to be awarded \$1,585,000 in FY 2003-04 Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD). He added that the Chandler Housing & Redevelopment Committee (HARC) recommends the reallocation of \$120,000 of unused prior year funding for a total available allocation of \$1,705,000. He explained that the purpose of the CDBG Program is to provide benefits to low and moderate-income residents and alleviate conditions of slum and blight. He noted that over the past two months, HARC and Staff have met four times, including two public hearings, to discuss recommendations to the Mayor and City Council regarding the allocation of these funds. Mr. Tyrrell thanked the members of HARC for their hard work on this important issue and recognized Eddie Encinas, Chair of HARC.

In response to a question from COUNCILMEMBER BRUNO relative to ICAN and the fact that it was the only organization that appears to be unfunded, Mr. Tyrrell explained that HARC requested both capital and operating costs and they almost fully funded the capital requests. He

added that much of the reason behind the zero funding recommendation for the operating costs is that ICAN is eligible to receive Youth Enhancement Program funds as well as other funds which they have also applied for while the other agencies, such as Senior Meals, cannot qualify for those larger pots of funds for their operating expenses.

COUNCILMEMBER WESTBROOKS thanked Staff and the members of HARC for their continued efforts in this regard. He commented on the importance of programs such as this and said that they provide extensive opportunities for people to become self-sufficient.

MAYOR DUNN commented that he is impressed with the fact that over \$400,000 in funding requests were received and every year funding appears to increase. He too commended Staff and the members of HARC for their continued efforts in this extremely important area.

PAT GILBERT, Executive Director of Mesa Community Action Network (CAN), the operator of the East Valley Men's Center, Chandler's regional transitional center for homeless men, addressed the Council relative to this agenda item. Mr. Gilbert said that he would like to take this opportunity to thank them as Councilmembers and representatives of the people they serve and to extend that gratitude to Staff and volunteers who perform the very difficult task of providing recommendations relative to allocations.

He noted that the Mesa CAN and the East Valley Men's Center now has four plus years of partnering with the City of Chandler and said that it is therefore very important for him to appear this evening and thank them for their support. He reported that the five communities that support the facilities, Scottsdale, Mesa, Tempe, Gilbert and Chandler, are acutely aware of their contributions to the program and reported that last year Chandler was the third community that funded the organization's full request, including SSF through the Valley of the Sun Program, Block Grant funds, and Chandler general revenues and once again he thanked the Council for their support. He noted that this year there is a chart outlining the allocation of block grant funds and said that Chandler's Staff is wonderful to work with and everyone is respectful of their needs. He added, however, that the overall request was for \$45,000 and said that the organization's commitment to Chandler and its citizens, is that they would maintain that as a level funding request for at least the near future.

Mr. Gilbert said that he is present this evening to thank the Council and because he is hopeful that they can continue to work in partnership to make sure that they can at least try to achieve the full funding amount. He agreed that this takes work on everyone's part, particularly in view of the difficult and challenging economic times, and thanked the Council for the opportunity to address them. He added that he looks forward to a continuing partnership with Chandler.

In response to a question from COUNCILMEMBER WESTBROOKS, Mr. Gilbert reported that through the end of March, the organization helped 33 men who self-identified themselves as being from Chandler. He added that the organization estimates that they will serve 36. He noted that MAG's count for Chandler's homeless population, which included Gilbert, was 76 men at that time and said that he is somewhat skeptical of that number and believes it is in fact an under-count.

COUNCILMEMBER WESTBROOKS asked whether Mr. Gilbert was aware of any organization that offers programs for women and children and Mr. Gilbert responded that he believes that Chandler supports La Mesita Lodge, a family shelter based in Mesa. He added that single women are included in Mesa CAN's work plan for the next 36 months and said that it represents the next discreet population of un-served homeless individuals.

COUNCILMEMBER WESTBROOKS stated that he has heard many comments from the Executive Director of My Sister's Place, a domestic violence women's shelter in the City of Chandler, and said that she expressed her concerns and frustration in regards to lack of funding from the entire community because the economy is slow and people are not contributing. He noted that funding is dropping while needs are rising and this creates a serious issue.

Mr. Gilbert invited the members of the Council to visit the East Valley Men's Center and witness firsthand the positive impacts of that organization on those who participate in their programs.

MAYOR DUNN thanked Mr. Gilbert for his input and the services he provides.

There being no additional members of the Council or any citizens wishing to speak, the Mayor declared the public hearing closed at 7:38 p.m.

41. RECEIPT & ALLOCATION OF 2003-04 CDBG FUNDS

Resolution #3623

MOVED BY COUNCILMEMBER ANDERSON, SECONDED BY VICE MAYOR HUGGINS, that Resolution No. 3623 be adopted authorizing receipt of FY 2003-04 CDBG funds and allocating those funds and unused prior year funding in accordance with the recommendations of the Chandler Housing and Redevelopment Committee and City Staff. MOTION CARRIED UNANIMOUSLY (7 TO 0).

6. CITY MANAGER RESIGNATION AGREEMENT

MAYOR DUNN stated that it has been a difficult year for Chandler and the City faced a number of challenges. He added that City Manager DONNA DRESKA and her Staff have been there to meet all of these challenges. He also noted the successful ventures that Chandler has enjoyed, including groundbreaking on Wells Fargo and Intel facilities, numerous awards and accreditations. He added that the City also successfully weathered the economic storm.

Mayor Dunn stated that much of the City's success over the last 15 months could be attributed to Donna Dreska's leadership and her team. He said that he appreciates the support of the Council during this time as well and asked the Council to join him as they work through this transition. He noted that the City still has many challenges ahead and said that he looks forward to meeting each and every one of them. He again thanked Donna Dreska for her service to the citizens of Chandler and wished her the best of luck in her future endeavors.

COUNCILMEMBER WALLACE highlighted a number of Ms. Dreska's accomplishments, including making sure that all members of the Council were treated in a fair and equitable manner; hiring a number of exceptional Staff members, and promoting from within to ensure maximum positive performance and impacts for the City. She also discussed committee processes that were put in place by Ms. Dreska and noted that the Committees were made up of City employees as well as outside citizens and noted that many difficult decisions were discussed, reviewed and addressed as a result of these efforts. She discussed the fact that Ms. Dreska encountered some very difficult issues during her tenure with the City. She stated she greatly admired her honesty and integrity and her ability and willingness to make tough decisions without regard for her job security. She emphasized that Ms. Dreska involved Staff in day-to-day as well as long-term processes and decision-making and said that Donna received well-deserved recognition from Staff today. She wished her the very best of luck in the future and said that she will be missed.

COUNCILMEMBER BRUNO stated that Ms. Dreska has done an outstanding job and has motivated and inspired many. She commented on the fact that while surrounding communities are cutting services and raising taxes, Chandler has been able to remain on top. She expressed the opinion that Ms. Dreska's resignation is in part due to a failure on the part of the Council to allow someone with her leadership ability and management strengths to successfully use those skills. She thanked her for all of her hard work and wished her good luck.

COUNCILMEMBER WESTBROOKS stated that he has enjoyed a positive and honest working relationship with Donna Dreska since joining the Council and added that Ms. Dreska has strong moral values, integrity, purpose and a vision for success. He said that she is a consummate professional in everything she does and added that she will be greatly missed. He too wished her the best of luck in all of her future undertakings.

COUNCILMEMBER WALLACE added that she would like to thank the Firefighters for their letter of support for Donna Dreska. She also commented on the wonderful relationship Ms. Dreska has had with the Police Department from the standpoint of the Chandler Law Enforcement Association and others. She spoke in support of Ms. Dreska's appointment of Acting Police Chief Dave Neuman who is doing an outstanding job during a difficult time and also commended her on the manner in which she handled the Crown Victoria issue. She noted that Ms. Dreska was honored by the East Valley Partnership this last year and was the recipient of the Rising Star Award.

DONNA DRESKA thanked the Councilmembers for their kind comments. She said that when she began with the City, she did so with a philosophy of doing what was best for the organization and for the community. She advised that at the "info exchange" this morning, the largest number of attendees ever were present and said that this, as well as the e-mails and comments she has received, is very much appreciated. She added that it has been both a pleasure and a privilege to work with the Staff and emphasized their importance to the entire organization. She said that she will not soon forget the unique experiences she has had with the City of Chandler and wished everyone the best in the future. She emphasized her belief that thanks to the Staff and the interested citizens in the community, the City will continue to grow, prosper and succeed.

MS. DRESKA said that it was her pleasure to work with many professionals and listed a number of Staff members, their accomplishments and expertise. She added that she looks forward to serving the City of Chandler in whatever capacity she can in the future.

MAYOR DUNN announced that the City Council has asked that Pat McDermott serve as the Acting City Manager until that position can be filled.

The Mayor said that he has received one request to speak on this item and requested that the speaker provide input at this time.

DAWN SNEDIGAR said that her experience with Donna has been limited to Police Department issues, since her husband was killed in the line of duty in Chandler in April of 1999. She said that she has been working on obtaining answers to a number of issues for the past four years and added that although she and Donna have not always agreed on everything, she never felt that she had self-serving motivations. She stated the opinion that Donna has always had her best interest at heart and is a very compassionate person. She thanked her for all of her efforts and accomplishments and said that she has set the groundwork for so many positive things to happen in the future.

MAYOR DUNN thanked Mrs. Snedigar for her comments.

The Mayor said that the Council has before them a proposed severance package for Ms. Dreska and said that for the record he would like to state that he supports the proposed package and believes it is well deserved and appropriate based on her service to the City of Chandler.

MOVED BY VICE MAYOR HUGGINS, SECONDED BY COUNCILMEMBER CACCAMO, to approve the City Manager's resignation agreement as presented.

COUNCILMEMBER WALLACE stated that she will not vote in support of the agreement and emphasized that it is not because she doesn't believe Donna is deserving of the package. She clarified that she is voting against the resignation agreement only because she does not want her to leave.

MOTION CARRIED BY MAJORITY VOTE (6 TO 1) with Councilmember Wallace voting Nay.

40. CODE AMENDMENT: Amending Chapter 11 Sections 11-7 & 11-8/Regulation of Smoking & Regulation of Tobacco Products

MAYOR DUNN said that this has been a very difficult, passionate issue with many people on both sides. He added that the Council tonight will do their very best in order to adopt an ordinance that they believe will best meet the needs of the community. He pointed out that the Council could have ignored the issue and let the voters decide as other communities have done but stated the opinion that this would in effect shirk the Council's responsibility as policy makers for the City of Chandler. He stressed the importance of public dialogue on both sides prior to a decision being made by the Council. He added that the question of how to regulate smoking may still go before the voters and said that if that occurs, that too is part of the process.

The Mayor discussed the appointment of a 12-member committee that began meeting in September of 2002 and noted that the Blue Ribbon Smoking Regulation Policy Committee provided citizens on both sides with an opportunity to provide input and be heard. He commended and recognized the members of the Committee for their diligence and hard work and said that he would welcome them coming back to serve the City of Chandler in the future. He also thanked members of Staff for their efforts and commented on the difficulties associated with balancing economic impacts and public health issues.

MAYOR DUNN asked Patrice Kraus to highlight the Staff presentation and stated following that, the speakers who have submitted requests to speak will be provided an opportunity to do so.

MS. KRAUS noted that many cities throughout the region have adopted more stringent smoking ordinances, as a result of Council action, including Mesa, Gilbert, Goodyear, Surprise and Guadalupe. She added that in the City of Tempe, the voters, through an initiative process, approved a far more stringent policy, which essentially banned smoking in all types of establishments. She further reported that signatures have now been collected to modify that policy, but the signatures have been challenged and the issue is pending in court. She said that there have been a lot of members of the public, particularly business owners, who have approached the members of the Council and City Staff asking them to address this issue. She added that in response to that, the Mayor and Council did establish the Chandler Smoking Regulation Policy Committee. She also expressed appreciation to the members of the

Committee for their efforts and hard work. She particularly thanked the residents who served as members and noted that they volunteered to be involved in this very controversial issue in order to serve the community. She expressed appreciation to Staff members as well who assisted in various ways over this long period of time.

MS. KRAUS reported that the Committee met seven times, tonight representing the 7th meeting, and said that the key issue before them was to develop an ordinance that would address both the economic impacts of regulation as well as the health impacts of second-hand smoke on patrons and employees. She said they also heard concerns raised about personal freedom issues, free choice and government intervention in private business and discussed difficulties associated with arriving at a solution that would meet everyone's needs. She reported that all elements of regulation were discussed, including the different types of businesses that would be regulated and the level at which they should be regulated; implementation strategies and enforcement options to minimize the impacts of regulation; ordinances were reviewed from Flagstaff, Gilbert, Goodyear, Guadalupe, Mesa, Surprise, Tempe and Tucson, and with the help of the Committee, many areas of consensus were achieved.

MS. KRAUS informed the Council that it was the consensus of the Committee that the City prohibit smoking in the following areas: Places of employment and public places except in accessory bars, bowling alley bars and freestanding bars. She added that the Committee also agreed to prohibit smoking in hotel and motel rooms and meeting spaces, and noted that a certain amount of hotel and motel rooms will have to be set aside for non-smoking. In addition, they agreed that private residences, except when they are used as childcare facilities, adult daycare facilities and group homes, should not be regulated and they agreed to require employers to adopt written smoking policies and agree to posting requirements. She added that they finally agreed on penalties and enforcement for violations as well as the regulation and storage of tobacco products. She noted that the Committee arrived at a definition of a "bar" which is when 51% of the sales are alcohol related. She added that they also agreed to the concept of phasing in the provisions of any regulation.

MS. KRAUS reported that an area of disagreement is which of the entities (out of the accessory bars, bowling alley bars, freestanding bars) will be regulated and when those provisions will actually become effective. She noted that the Committee understands that the Council can change any provisions presented, but they did want to provide the Council with some options and considerations and therefore brought forward three options for discussion and review: She stated that the first option is that all entities would be regulated as of October 2003; the second is that restaurants without liquor licenses and restaurants with accessory bars without separation from their dining areas would also be regulated as of October 2003, while all restaurants with accessory bars that are separated from their dining rooms and freestanding bars would be regulated as of October 2005; and third, that restaurants without liquor licenses, restaurants with accessory bars without separation be regulated effective October 2003 and the other entities, restaurants with accessory bars with separation from their dining rooms and freestanding bars would be exempt from regulation.

MAYOR DUNN thanked Ms. Kraus for her presentation and noted that there are 61 citizens who wish to speak on this agenda item. The Mayor added that he would first like to provide the members of the Committee the opportunity to present their comments.

GARY MANTON, a member of the Committee, thanked the Council for organizing the group and to Patrice Kraus for her hard work and said that hopefully the Committee did their job in presenting to the Council their recommendations.

CHRIS ALVILLAR, 777 W. Chandler Boulevard, also a member of the Committee, thanked the Mayor for the opportunity to serve as a member of the Committee. He expressed the opinion that ventilation represents an unacceptable solution to eliminating and protecting the public from secondhand smoke. He emphasized that ventilation simply does not work and explained that simply because the cigarette "smell" is eliminated or diffused, that does not mean that the carcinogens have been eliminated. He added that all medical, scientific and technical experts, as well as the very companies that encourage the use of ventilation systems, agree that the systems cannot eliminate health risks due to secondhand smoke.

BILL BERRY, 891 W. Boxelder Place, a member of the Committee, apologized to the Council for the group's inability to resolve all of the issues associated with smoking regulations. He commented on the success they did realize in reaching consensus on various matters and said that they thought they had reached agreement on just about everything until last week when some of the members decided that the matter should be brought to the Council for their consideration. He thanked the Council for the opportunity to serve the City of Chandler.

RIC SERRANO, 1493 E. Mesquite Street, also a member of the Committee, said that he is present this evening on behalf of the Chandler Chamber of Commerce as well as Serrano's Mexican Restaurant. He thanked the Mayor and Council for establishing the Committee and noted that it took leadership to organize this Committee to investigate whether or not an ordinance is suitable for Chandler and, if so, how large. He commented on the fact that other communities are waiting to see how this "plays out" and noted that as a member, the task was not an easy one, and some meetings were both lengthy and heated. He added the opinion that the end result is an ordinance that is 95% complete. He reported that his restaurants have experienced the effects of a City-by-City approach to this issue in Mesa, Gilbert and Tempe, and business has dropped 19 to 22% in those areas when the ordinances became effective. He said that as customers and parents, they recognize the concerns associated with secondhand smoke but stated that they also believe there is a "middle ground" that can be reached. He recommended that all restaurants become smoke-free and that all bars be given the option to remain smoking. He noted that every restaurant dining room would then be smoke-free, which would prevent this irritant from being around any children or people trying to enjoy a great meal.

MR. SERRANO commented on the fact that bars are the businesses most negatively impacted by smoking regulations and said they believe that adults 21 years of age and older should be allowed the opportunity to make an adult choice to either enter an establishment that allows smoking or not. He noted that the draft ordinance only allows restaurant bar smoking when they are physically separated and separately ventilated. He said that the Chamber recommends that the Council vote to exempt bars and accessory bars from the draft ordinance.

DR. LELAND (LEE) FAIRBANKS, 1866 E. Vine Drive, Tempe, noted that he too served as a member of the Committee and thanked the Council for that opportunity. He said that there are three options being presented, the first one is to have smoke-free workplaces and said that this would eliminate "second class workers." He said that bar workers are treated as lower class workers and added that anyone who serves in a place where there is shared air space ought to have a smoke free workplace. He noted that all of the medical groups in Arizona have endorsed this option. He reported that the second option is a little flawed because of the delayed enforcement time for bars but has some credibility because it provides for two years of education and preparation. He noted that the bars are the real problem because that is where the air is so polluted that no one should have to work in them. He noted that there are some businesses trying to improve the air quality in their bars and thanked those owners for their efforts. He

reported that the third option, leaving the bars out, is inappropriate and the absolute wrong way in which to proceed. He said that if Chandler does the right thing, the City will serve as a role model for the State and urged the Council not to leave the bars out.

SHANE PROSSER, 1600 N. Saba, #138, said that the people who do not smoke outnumber the ones who do and said he is not here to promote smoking but he is here to voice concerns relative to where people should not be allowed to smoke. He stated a preference for Option #3. He said that people who don't like smoke, won't go to places where there is smoking and that is a choice and individuals should be able to make their own choices.

MICHAEL CUNEO, 901 W. Mesquite, Chandler of Chandler's Citizens for Fair Non-Smoking Laws, said that he supports the adoption of an ordinance that allows smoking in bars and accessories bars in restaurants, bowling alleys, pool halls, private clubs and fraternal organizations. He commented on the fact that when Mesa adopted a strict smoking ordinance in 1996, that City lost considerable convention and sales tax revenues and jobs. He noted that businesses were forced to close and Mesa finally corrected the flaws in its smoking ordinance and now allows smoking in bars and accessory bars. He commented on losses in sales tax revenues currently being experienced by the City of Tempe and said that he is the owner of two bars, one in Tempe and one in Scottsdale.

DR. JONATHAN WEISBUCH, Director of the Maricopa County Department of Public Health (County Health Officer) noted that the government's responsibility is to protect the public health and assure the people that they can be safe within their community. He said that environmental tobacco smoke produced by smoking in bars and restaurants and other places represents a major health hazard to those who are exposed to it. He added that those at greatest risk are not those who come into the bars or restaurants to eat or drink, but rather those who serve the customers in those establishments. He spoke in support of the smoking ban and approving either Options 1 or Option 2 this evening and said that this will save lives and prevent disease.

CHRIS DOUGHERTY, 1400 N. Alma School Road, a managing partner at Iguana Mack's, said that the businesses' success has been the result of listening to their customers. She reported that dining customers asked for and were provided with a non-smoking dining room with its own ventilation system separate from the bar. She added that the bar patrons, while never having voiced a complaint in the past, are unanimous in their opinion, they are concerned that they are going to lose their freedom of choice. She said that the ramifications of imposing legislation that labels the entire market non-smoking will be devastating to business owners. She requested that the Council consider the adoption of a Chandler fair smoking ordinance which would allow smoking in bars and physically separated, independently ventilated accessory bars. She said that this would ensure that Chandler businesses remain on a level playing field with surrounding communities.

BILL WEIGELE, 5008 Thomas, President of the Arizona Licensed Beverage Association, applauded the Council on their committee approach and said that the members of his organization are not anti-health or pro-smoking but their interest instead lie in the economic impact that these types of City-by-City ordinances place on the members. He said that a position paper on smoking has been provided to the Council through Staff and asked that they review that when time permits. He said that many concerns have been expressed relative to the degree of stringency that the Council may be considering tonight and asked that they weigh both the health and economic facts, and not perceptions, as they deliberate on this issue. He commented on the fragile state of the hospitality industry and said that the clientele of bars is made up of both smokers and non-smokers but is weighted towards the smokers. He added that there is no

outcry from the employees of these businesses to protect them from what may or may not be a hazard to them and said that these types of ordinances can have real loss of customers tied to them and asked the Council to act in a responsible manner this evening and not negatively impact the businesses involved.

SHERRIE HATCHER, 3016 N. Dobson, #7, said that she is a single parent raising three children with no pension and no retirement and she has invested all of her money into her businesses, the Priceless Sports Bars. She said that she has both her bar in Tempe and one in Mesa. She added that both businesses were lost because of the smoking laws adopted by those cities. She stated that she only has two bars left and both are located in Chandler. She stated the opinion that people should have the freedom to choose whether they want to come into her bar or not and added that this being America, she should be able to offer her patrons a smoking establishment. She requested that the Council approve the option that exempts bars and accessory bars and assist her in holding onto her businesses.

TARA KURINSKY, 2311 W. Los Arboles, said that for almost four years she worked for a prosperous bar in Tempe and less than a year after the imposed mandatory smoking ban she lost her job. She added that she had to find work elsewhere and had to quit school and watched loyal customers of the bar drive less than a mile away to Mesa so that they could smoke. She added that more and more revenue is being lost at that establishment on a daily basis. She spoke in support of exempting bars and accessory bars and asked the Council to act in a responsible manner.

RANDY NATIONS, 314 S. Bayshore, Gilbert, said that when considering the ban, the Council should also consider the establishments that they have been fortunate to bring into the community. He said that he works in the liquor industry and has witnessed firsthand the negative impacts that smoking bans have had on the City of Tempe, and urged the Council not to make the same mistakes in Chandler. He said that he hates cigarettes and smoking and coming out of a place smelling of smoke but emphasized that it is his choice to go there. He noted that the Federal government has said that smoking is hazardous to our health but did not ban smoking or cigarettes. He reiterated that he believes that the solution is that the places where people have to go to carry on their day-to-day activities such as the post office, government offices, etc., should be non-smoking but places where people choose to go because they want to, bars for example, should be exempt.

LESTER FLOYD, 126 Elaine, Gilbert, said that he worked in the entertainment industry for a long time and it was his choice to work in that environment. He added that the smoking environment damaged him in his later years. He stated the opinion that the people who work in bars should not be subjected to the damages of second hand smoke and said that for that reason he would like to see some places where people can go for entertainment or can work without fear of being exposed to health damaging smoke.

GEOFFREY WALKER, 9636 N. 25th Place, Phoenix, a Phoenix attorney for the past 23 years, stated the opinion that this is a medical issue and that is where they need to start as a City Council in terms of thinking about what to do here this evening. He said that it is not too late to do the right thing for the people and for the workers of Chandler and said that the Council must decide their vote according to the physical reality of things as well as the medical reality. He noted that the medical reality is that they are dealing not with an issue of choice, but rather with known toxins that amount to hazardous waste indoors, and noted that it was proven long ago, beyond any reasonable scientific doubt, that secondhand smoke kills. He asked the Council to act responsibly and look at this issue from a medical standpoint and protect Chandler's citizens.

DENNIS ORTIZ, 3002 N. Arizona Avenue, thanked the Council for taking a stand on this issue and said that some consideration should be given the owners of businesses that have operated in the City of Chandler for many, many years. He said that if the City imposed a ban such as the one in Tempe, revenues would definitely be affected and noted that the existing bars, restaurants and hotels in Chandler currently pay a stadium tax that used to be used for Compadre Stadium for the Milwaukee Brewers. He said that although the team no longer comes to Chandler, the tax is still being collected and comes to approximately \$1 million a year. He added that Snedigar Park was a major recipient of this revenue and said that the money paid for the new soccer fields and baseball fields. He said that because of this upgrade, the City of Chandler hosted the National Women's Softball Championships last year. He said that his business, the Dirty Drummer in Tempe, is off 30% in business from one year ago and said that the owners have been in business for 20-25 years and know how to operate a business, that is not the problem, the smoking ban is the problem. He stated the opinion that the Council should accept and approve the third recommendation submitted by the Committee.

TOM DICKERSON, 940 N. Alma School Road, the owner of Famous Sam's in Chandler, the Council on the courage they have displayed in addressing this controversial issue. He spoke strongly in favor of the exemption for bars and accessory bars and noted that citizens could still enjoy smoke-free dining in restaurants. He said that he has surveyed his customers and they want to be able to smoke and added that he just found out that all of his employees smoke. He asked the Council to grant the exemption to bars and accessory bars.

BILL PFEIFER, President and Chief Executive Officer of the American Lung Association of Arizona, spoke in strong support of adopting an ordinance that calls for a total smoking ban in the City of Chandler. He stated the opinion that it is the Council's responsibility to protect the health, safety and welfare of its citizens and asked the Council to enact a comprehensive ordinance based on a public health and scientific fact, the fact that second hand smoke causes chronic disease in healthy non-smokers.

SYLVIA MONTES DE OCA, 4614 W. Orchid, also spoke in support of implementing a total ban on smoking in the City of Chandler. She commented on the importance of being able to enjoy dinners in the City she lives in with her family in smoke-free restaurants and not worry that her health and the health of her family members is being negatively impacted. She also emphasized the importance of sending the right message to our youth.

RANDY COKER, 3016 N. Dobson, said that he is a non-smoker and is opposed to smoking but added that he is also against any ordinance that restricts the rights of citizens to choose. He said that he believes this issue is as much about rights as it is about health and added that a person should be allowed to designate that his/her business will either be smoking or non-smoking and the citizens can then decide whether or not to patronize those establishments.

ROBERT LEISCHOW, 4820 W. Commonwealth Avenue, speaking as a Chandler resident and public health official, requested that the Council, in their best judgement, go with what they feel is right in terms of the health matters associated with this issue. He said that it is very clear, based on the evidence and research that has been conducted on both a Federal and State level, that the issue is really one of health importance rather than business and asked them to keep the best interest of Chandler residents at heart when rendering their crucial decision this evening.

KRISTA SALMON, 2929 S. 48th Street, Tempe, the Advocacy Director for the American Heart Association, provided the Council with copies of a letter from the owner of two bars in Tempe.

She noted that the letter attests to the fact that business has not been affected as a result of the smoking ban. She stated the opinion that rumors of negative impacts on communities that have adopted smoking bans are inaccurate and exaggerated. She noted that sales tax revenues in Tempe continue to increase. She stressed the importance of protecting the health of Chandler citizens and asked the Council to vote responsibly and ban smoking in the City.

JANIE RIDDLE, 5260 W. Mohawk Lane, Glendale, the owner and Chief Executive Officer of Valle Luna Mexican restaurants with four Valley locations, including Chandler. She stressed the importance of protecting business and property rights as well as the rights of patrons who chose to smoke and to frequent restaurants where smoking occurs. She stated the opinion that a majority of the customers who do not smoke have been effectively accommodated through the use and implementation of ventilation systems as well as physical separations between smoking and non-smoking patrons. She added that she is here this evening to protect her family's lifetime investment as well as the jobs of their many loyal employees and urged the Council to support their requests and protect their businesses and jobs.

MICHELE ESCOTO, 5456 W. Buffalo, urged the Council to vote in support of a total smoking ban in bars and restaurants in the City of Chandler.

MAYOR DUNN declared a recess at 9:25 p.m. and the meeting reconvened at 9:45 p.m.

The Mayor said that GABRIELLE ALEXIS THOMAS, 306 E. Commonwealth, does not wish to speak but supports smoke free restaurants and bars.

DIANE CHARLESWORTH, 1888 W. Island Way, a resident of Chandler and student at Chandler High School, commented on the negative effects of smoking and second-hand smoke and said that the matter is a health issue. She requested that the Council adopt an ordinance that bans smoking in all bars and restaurants in the City of Chandler and protect all of the citizens of Chandler.

KENNETH CHERRY, 300 E. Commonwealth, #109, said that he is representing the youth of Chandler and is a member of ICAN (Improving Chandler Area Neighborhoods). He commented that organization empowers individuals to become involved in their community. He said that even though he is not yet old enough to vote, he felt that it was still important to appear this evening at the meeting and present his views on this important matter. He stated that he supports smoke free restaurants and bars and asked the Council to vote to approve an ordinance banning smoking in these establishments.

TRISH MILLER, 600 N. Cholla Street, commented on the fact that other cities have successfully implemented smoking bans in their communities and said that they have proven to be successful and businesses have not suffered the way proponents of smoking claimed they would. She noted that Chandler has been involved in this issue for the past few years, spoke in support of smoke free restaurants and bars in Chandler, and noted that her mother-in-law passed away 51 days after finding out that she had lung cancer. She said that she had not smoked in over 20 years but she was continually, on a daily basis, exposed to second hand smoke through her employment. She added that smoking still took her life and didn't need to if she had been protected by a clean indoor air ordinance.

LAURA ROCHA, a resident of Chandler and mother, stated that she supports the adoption of an ordinance that will ban smoking in all indoor public places, including restaurants and bars. She

said that she did not want her family to be exposed to second hand smoke that drifts into the dining areas of restaurants and asked the Council to protect her and her family.

BILL MOHLER, 641 W. Hackberry Drive, owner of the Copper Canyon Grill & Brew Club, said that he does not support a total smoking ban and believes that smoking should be allowed to occur in bars and accessory bars. He commented on the fact that everyone has rights, smokers and non-smokers alike, but added that he does not believe that non-smoking advocates have the right to take away his rights as a business owner or his customer's rights. He said that it is his understanding from reading the proposal that exemptions would be retail tobacco stores, hotel and motel conference rooms and private, non-profit clubs like the VFW. He said he has a problem with those exemptions based on the fact that he is a bronze star veteran and many of his customers are as well and he does not understand why smoking would be banned in bars yet allowed to take place in places such as that.

MR. MOHLER added that he has recently received figures from the largest liquor distributor in the area and reported that in Tempe, since the smoking ban went into effect, 18 bars and restaurants have closed, 3 have reopened and are not doing very well; sales to bars and nightclubs are down 13%; sales to bowling alley bars and pool halls are down 39%; sales to hotels are down 18%; sales to restaurants are down 8%, and sales to sports bars are down 26%. He requested that the Council support the businesses in Chandler and not vote in support of a total smoking ban.

STEVE CHUCRI, 2400 N. Central, Phoenix, President of the Arizona Restaurant and Hospitality Association, urged the Council to adopt an ordinance that allows smoking to continue to occur in free standing bars and accessory bars and emphasized the importance of protecting the rights and investments of business owners in the community. He added that the figures presented by the previous speaker are correct and urged the Council to take this into consideration when rendering their decision this evening.

ERIK AWERKAMP, 1295 W. Bruce Avenue, said that he is an attorney who practices in the area of industrial injury and occupational disease. He stated that he was asked by some of the proponents of the ban on bars to come and speak this evening because he handles the claims that people often read about and hear about, going after employers because of illnesses that are contracted years and decades after the incidents have occurred. He reported that Arizona passed a statute that says, "if an employer creates a workplace that has a higher risk for the employee than out in the general public, and the employee contracts a disease as a result of that, then that employer and its carrier become responsible for it." He commented on the fact that this argument is often "pitted" as a health concern versus the economic impact on businesses. He noted the expenses associated with this entire issue, including health costs and legal issues. He said that if the Council looks at the economic impact in the long run, there is no comparison. He urged the Council to act responsibly this evening and protect the health, welfare and safety of Chandler's citizens and to adopt a total smoking ban in the City of Chandler.

VERN WILSON, 1126 S. 124th Street, a member of the Committee that reviewed this issue, stated that he has been a citizen of Chandler since 1957 and is a non-smoker. He added that he does not believe that this issue is just a health issue, he strongly believes it also infringes on citizens' freedom of choice. He said it is ironic to him that people are willing to give up these freedoms when there are soldiers in Iraq fighting and dying for the very freedoms that we are willing to give up. He emphasized the importance of "educating" rather than "legislating" and thanked the Council for the opportunity to address them and to serve as a member of the Committee.

COUNCILMEMBER BRUNO said that she believes public discussion on this issue should continue but noted that the Council has not had an opportunity as a body to discuss this matter and they do not know at this point in time what the individual Councilmember's opinions are relative to the smoking issue. She said that the Council has been receiving e-mails on this issue for months and has received a great amount of input from the citizens. She said that she would like to place a motion on the floor at this time and added that although it may not be the motion that is voted upon at the end of the evening, it will provide an opportunity for the Council to discuss this matter. She added that following that, the remaining citizens who wish to provide input will be heard from and noted the importance of hearing all of the comments from citizens present this evening.

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY COUNCILMEMBER WALLACE, that Ordinance No. 3451, amending Chapter 11, Sections 11-7 and 11-8 relating to regulation of smoking and regulation of tobacco products be INTRODUCED AND TENTATIVELY APPROVED with the following modifications: To exempt free-standing bars, bowling alley bars, and physically separated accessory bars from regulation by modifying Section 11-3.3, Paragraphs 2, 3 and 4, to reflect the exemption; to provide that the effective date of all the sections of the Ordinance, except Section 11-7.6, will be October 1, 2003; and to provide that the effective date of Section 11-7.6, relating to the penalties and enforcement, will be January 1, 2004 to allow additional time to educate businesses and to allow City Staff to implement the provisions before any penalties are assessed.

MAYOR DUNN noted that the motion reflects one of the recommendations submitted by the Committee except for the fact that the motion calls for extending the actual date of enforcement in order to provide additional information and education to those affected.

In response to a request from Councilmember Westbrook, Councilmember Bruno provided clarification of the motion.

MAYOR DUNN recapped that the intent of the motion currently on the floor is to allow all restaurants to remain smoke free, and to exempt from the smoking regulations free-standing bars and accessory bars as defined by the Committee (physically separated). He added that all bowling alleys will be smoke free, however, if there is a bar at the bowling alley that is physically separated, the bar will also be exempt. He added that the effective date will be as recommended by the Committee (October 1, 2003) with enforcement/penalties occurring at a later time (January 1, 2004).

MAYOR DUNN asked Ms. Kraus to come forward and address the issue of "physically separated" accessory bars. MS. KRAUS stated that the Committee did recognize that there were two configurations for accessory bars, those that do have physical separation and separate ventilation and those that do not. She said that they looked at the opportunity of perhaps treating them differently but added that it is up to the Council to decide whether they want to do that or not, but the distinction was made between the two different types of physical configurations for those types of businesses.

MAYOR DUNN said it is his understanding that "physical separation" means the area would have to have a separate ventilation system and would have to have four sided walls, or glass, completely surrounding the bar keeping the smoking from drifting into the restaurant area. Ms. Kraus confirmed that the Mayor's understanding was correct.

Discussion ensued relative to the language in the ordinance allows some enforcement discretion relative to "doors" and preventing smoke from drifting into other areas; examples were given of accessory bars that could be separated from a physical configuration point of view; the proposed ordinance exempts patio areas and would be physically separated from the rest of the restaurant; concerns expressed relative to the fact that there are no restrictions on front or rear patio smoking and how close to a restaurant's closed door this can occur; the fact that much of the language contained in the ordinance has been adopted by other municipalities; implementation and the idea is that enforcement will for the most part be "complaint driven;" and the fact that the January 1, 2004 enforcement/penalty date provides Staff sufficient time to go out and review/assess the businesses, many of which want to comply.

MAYOR DUNN commented that restaurants have different physical layouts and questioned difficulties associated with a uniform definition of "separation." He added that he considered required self-closing doors in every accessory bar but said that initially he thinks it is important to give businesses the opportunity to be flexible and develop different acceptable alternatives that meet the intent of the ordinance. He also clarified that restaurants and any business in Chandler has the right to declare that their patio areas are "smoke free."

MAYOR DUNN thanked Staff and the members of the Council for their comments and stated that they will now hear from the rest of the citizens who have indicated a desire to present their comments.

FLOSSIE MOHLER, 641 W. Hackberry Drive, a resident of Chandler, stated that the members of the Smoking Policy Committee do not have fiduciary responsibility to the citizens of Chandler as the members of the Council do, and requested that they perform a budget impact study before the ordinance goes into effect so that she will know whether her taxes will be increased. She commented on the fact that at the age of 18, men and women are considered mature enough to fight for their country and encounter bombs and chemical weapons and stated the opinion that those same people should be able to choose for themselves whether or not to frequent a smoking establishment.

PAULA S. WIRTH, 1341 W. Butler Drive, said that she believes the entire City of Chandler should be smoke free and asked the Council to adopt the most stringent ordinance possible and protect the health and welfare of the citizens of Chandler.

SHEILA DILL, 761 N. Apache Drive, commented that she supports the smoking ban in restaurants but believes that bars and accessory bars should be exempted from the ordinance.

SCOTT CASELL, 817 W. Rock Road, discussed personal rights and freedom issues and stated the opinion that people should be allowed to choose whether or not to frequent an establishment that allows smoking. He asked the Council not to infringe on private rights and to allow the businesses to declare whether they will be smoking or non-smoking and to allow the citizens to decide whether to support those businesses.

HOWARD KAHN, representing Howie's Pub & Eatery, 6045 W. Chandler Boulevard, referred to comments previously made by Dr. Fairbanks and stated the opinion that a "level playing field" does not exist. He said that his livelihood and his family's livelihood depends on the decision that is made tonight and urged the Council to protect his business and his rights. He said that his bar is more of a sports bar, with 51% liquor sales, and asked where he would fall within the spectrum. MAYOR DUNN responded that he believes Mr. Kahn's business would qualify as a free-standing bar and said that Staff will follow up with him on his question.

DR. RONALD SELL, 4452 W. Walton Way, said that he has been practicing medicine in Chandler for 16 years and has no doubt that smoking has had a major adverse affect on his patients' health. He stated that he witnesses the effects of smoking on his patients every day and added that from a strictly professional standpoint, there is no doubt in his mind that second-hand smoke is also a major health problem. He urged the City Council to help him help his patients to stay healthy and enjoy long, productive lives, by adopting a stringent smoking ban in the City of Chandler.

DR. CLIFFORD HARRIS, 512 East Mesa Vista, a Board-certified internist, hematologist and oncologist, said that he has witnessed first hand the ravaging effects of smoking. He urged the Council to adopt a total ban in Chandler that includes bars and commented on the negative effects of smoking on the entire community. He also discussed second hand smoke and the fact that it too kills, and asked the Council to act responsibly and make the difficult decision to adopt an ordinance that totally bans smoking in the City of Chandler.

MARGUERITE MUNKACHY, 4811 W. Flint, expressed concerns relative to the motion that is currently on the floor since it includes exemptions and stated the opinion that the ordinance should be all-inclusive and not contain any exemptions at all. She said that she is the Chair of the grass roots citizens' committee Chandler for Healthy Smoke-Free Workplaces and reported that in a recent survey that was conducted, 65% of Chandler voters supported an ordinance that made all indoor public places smoke-free and 78% believe that the government (the City Council) have a responsibility to promote public health. She noted that the numbers are significant and urged the Council not to ignore them.

KENT SHELTON, 2335 W. Estrella, informed the members of the Council that he supports a total smoking ban in the City of Chandler and noted that more and more cancers are being attributed to second hand smoke. He said that this is really a very basic, government bottom-line issue, namely the protection of the citizens and requested that the Council carry out this important responsibility.

ALEX ROMERO, P.O. Box 21855, Phoenix, Co-Chair of the Phoenix for Smoke-Free Workplaces, also spoke in support of a total ban in the City of Chandler and said that he is speaking on behalf of himself and Dr. Wilford Potter, his counterpart Chairman of the Scottsdale Committee for Smoke-Free Workplaces. He said that they both remain undaunted in their efforts to ban smoking in all enclosed public places in Phoenix and Scottsdale. He emphasized the importance of making a tough decision tonight, implementing a total ban, and protecting all citizens of Chandler.

BOB MUNKACHY, 4811 W. Flint Street, also spoke in support of a total ban on smoking in the City, particularly in restaurants and all bars, and stressed the importance of adopting an ordinance that is clear in its intent and contains strong language. He urged Chandler to be a leader in this effort and protect the community.

DON MORRIS, P.O. Box 1385, Scottsdale, commended the Council for allowing everyone to present their remarks and said that the Council might be interested in knowing what the largest tobacco company in the world has to say about this. He referred to a 2002 Philip Morris publication which stated that the company believed "that the conclusions of public health officials concerning environmental tobacco smoke are sufficient to warrant measures that regulate measures in public places." He also expressed concerns relative to the effectiveness of ventilation and called for a total ban on smoking in the City of Chandler.

RICH BANK, 6614 S. Dorsey, Chair of the Citizens for Fair Non-Smoking Laws, said that he supports Councilmember Bruno's approach to this situation and cautioned the Council not kill the patient to bring about the cure. He urged them to approve Councilmember Bruno's motion and thanked them for their efforts and hard work on this matter.

ERIC MONROE, 816 West Carob, said that where challenges exist, opportunities prosper. He said that as a member of the non-smoking population, he can sympathize with those who prefer a non-smoking environment but as a member of a family with a family-owned business, he can also understand and appreciate the concerns that have been expressed relative to the possibility of losing a business. He stated that another option may exist and many of the viewpoints expressed this evening are basically black and white and deal with health concerns and economic or right-to-work issues. He challenged the Council to come up with something different, such as bottled water that contains a nicotine additive, in order to address everyone's concerns.

ANNIE TRUONG, 1914 E. Sunburst Lane, said that she has owned a bar in the City of Chandler for the past 16 months and is extremely worried about its future. She commented on the significant investment she has made in the business and urged the Council to protect her investment and allow smoking to occur in bars and accessory bars.

MICHELLE PABIS, 2929 E. Thomas Road, Phoenix, representing the American Cancer Society, expressed concerns relative to the motion that is currently on the floor and noted that smoking and second-hand smoke is a public health issue that must be addressed by the Council. She urged them to make the tough decision and ban smoking in Chandler in an effort to protect Chandler citizens and their health.

BECKY HERBST, a member of the Committee, thanked the Council for the opportunity to serve the City of Chandler and commented on Proposal #2, which deals with phasing in order to avoid immediate impacts on the economy. She urged the Council to consider this compromise.

BILL RIDDLE addressed the Council and discussed the issue of patios and doors. He noted that the members of the Committee ratified the minutes from their last meeting and he does not recall any discussion taking place relative to sealed double-doors. He requested that at their leisure the members of the Council read the minutes from the last meeting which sums up what occurred over the last seven months. He informed the Council that he was recommended by the Chamber of Commerce to serve on the Committee and when he submitted the application to serve as the member of a Blue Ribbon Committee, he believed that he would be charged with the duty of looking into the feasibility, the needs and the issues (the science, medical science as well as science that questioned the medical science) but noted that none of that ever occurred. He said that the members were instructed the first night that they were not to discuss the issues (the economics, the science) and added that from the very first night and for six to seven months after, the members of the Committee reviewed other City ordinances. He stated the opinion that Chandler deserves better than that and noted that he asked repeatedly whether the members of the Committee were going to draft an ordinance and emphasized that this action was the duty and responsibility of the City Council. He noted that suddenly an ordinance was drafted. Mr. Riddle said that the members were professional and very sincere in their efforts.

MAYOR DUNN thanked the speakers for their comments and noted that he also has in his possession a stack of 20 additional cards from citizens who did not wish to speak but who indicated on their cards whether or not they supported the issue. He asked whether there was anyone else in the audience who wished to speak at this time and no one came forward to do so.

COUNCILMEMBER WESTBROOKS indicated that he does not support the motion as presented and stated the opinion that it is not strong enough. He spoke in support of promoting public health and balancing the economic challenges that are present and added that the motion does not support that important aspect. He added that he does not believe that the motion, as presented, serves the entire community and noted that he was looking for a more balanced approach. He stated that if the motion passes, he believes a citizen initiative will be circulated in an effort to secure stronger regulations in the City of Chandler, such as the ones that were adopted in Tempe and added that he would like the Council to discuss Option No. 2.

In response to a request from COUNCILMEMBER WESTBROOKS, Ms. Kraus summarized Option No. 2 and noted that this would prohibit smoking in restaurants that do not have liquor licenses as well as restaurants with accessory bars without separation in October of 2003. She added that it would also prohibit smoking in restaurants with accessory bars that are physically separated and freestanding bars and bowling alley bars in October of 2005. She noted that everything else would remain the same.

MS. KRAUS also clarified that Option No. 1 would ban smoking in all entities in October of 2003.

COUNCILMEMBER WESTBROOKS stated that he is looking for an exemption of bars, which is not one of the proposed options. He said he would like to look at the restaurants and accessory bars in October 2003 and then exempting bars with no timeline. He thought this might represent a compromise between the options that were presented this evening. He said that he would not support the current motion on the floor and he personally would prefer to have everything non-smoking but believes in the importance of compromise and achieving balance.

MAYOR DUNN stated the opinion that the Committee has suggested somewhat of a balanced approach and said that he believes he is hearing from Councilmember Westbrook that the free-standing bars seem to be an exemption that the Council may feel comfortable with. He added that he believes they are all in agreement that restaurants per se need to be smoke free. He noted that he has been wrestling with exempting the totally physically separated accessory bars and said that if this cannot happen, they are going to have to go along with the ban. He stated that this issue needs further discussion in the future and indicated his intention to present an amendment to the motion. He stated that in the future he would like Staff to report back to Council comparing the provisions under the Section that exempts bars, bowling alley bars, accessory bars in particular with any provisions in effect in other cities. He said he believes these have to be reviewed on a regular basis in an effort to determine whether the current or future Councils need to take action. He said the key is what period of time they should be involved in this review process and stated that by April 1, 2005, a couple of years out, seems appropriate to him.

MS. KRAUS clarified that the Mayor intends to amend Councilmember Bruno's motion to require that Staff report back on the "state of regulation" on those entities that Councilmember Bruno is proposing be exempted. The Mayor said the report should include primarily accessory bars from his perspective, but bowling alley bars and exempt bars, the free-standing bars.

MS. KRAUS agreed that the two-year period for the report recommended by the Mayor seems appropriate and would allow sufficient time for Staff to thoroughly look at the issue. She added that if the Council desired, Staff could present an interim report in one year and follow up with the final report after the two-year deadline. The Mayor stated that he preferred Ms. Kraus'

suggestion relative to presenting an interim report in one year. The Mayor offered the following amendment to the motion:

MOVED BY MAYOR DUNN, SECONDED BY COUNCILMEMBER BRUNO, that by April 1, 2004, City Staff shall provide a report to the City Council comparing the provisions of the Section that exempts bars, bowling alley bars and accessory bars with the provisions from other cities within the region relating to the regulation of these entities.

The Mayor commented that as more and more cities deal with this issue, he would like to be able to compare Chandler's exemptions to those in effect in other cities. He added that the Council can then decide whether or not the issues needs to be revisited in an effort to update Chandler's regulations.

COUNCILMEMBER CACCAMO recommended amending Councilmember Bruno's motion to request that the State Legislature regionalize smoking regulations so that all of the communities in the State are on the same level playing field.

COUNCILMEMBER ANDERSON commented on the fact that the Council can at any time request a status report from Staff on this issue.

CITY ATTORNEY DENNIS O'NEILL stated the opinion that the Mayor's motion is to "tickle" that item so that Staff is aware of the fact that a report should be brought forward within a specific period of time. He agreed that this does not preclude any members of the Council from asking for a report or update prior to that time.

MR. O'NEILL pointed out that Councilmember Bruno's motion calls for the enforcement provisions to not go into effect until January 1, 2004 and stated that this information must be included in the ordinance as well. He suggested that this information be added as Subsection F in Section 11-7.6, which is the enforcement provisions. He said that it will read "the provisions of this Subsection, 11-7.6 shall become effective on January 1, 2004."

COUNCILMEMBER BRUNO agreed to amend her motion as recommended by the City Attorney and COUNCILMEMBER WALLACE, as the seconder of the motion, also agreed to the amendment as outlined by Mr. O'Neill.

COUNCILMEMBER WESTBROOKS said that from his perspective it appears that the City of Chandler, which usually takes the lead on issues (residential standards, impact fees, and various other programs), tonight is voting to be a "follower" and he finds this very disappointing. He stated the opinion that the proposed ordinance is basically a "band-aid" when they are trying to treat cancer and said everyone knows that band-aids can't treat cancer. He said he wishes that the ordinance was stronger. He added the opinion that this action will not address the issue and noted that approximately 50% of the restaurants in Chandler are already smoke-free.

MAYOR DUNN stated that he would like to amend his amendment to Councilmember Bruno's motion in order to address one additional aspect of this matter.

IT WAS RECOMMENDED BY THE MAYOR AND AGREED TO BY COUNCILMEMBER BRUNO (as the seconder of the motion), that not only will Staff provide a report as to other provisions under this Section that other cities in the region may adopt, but to include a report as to the effectiveness of the physical separation of accessory bars.

COUNCILMEMBER WALLACE commented that the members of the Council, as elected officials, have their own personal opinions but do not have the right to base their decisions on their own personal views. She added that their responsibility is to look at the "big picture" and stated that she absolutely hates cigarette smoke. She noted that she believes she has a responsibility to look at the needs of the business community as well as the patrons and people who choose to smoke. She said that she believes it is very important to be as fair as possible in a situation such as this and indicated that she will support the motion.

MAYOR DUNN requested that the Council vote on the amendment to the motion at this time.

MOTION CARRIED BY MAJORITY VOTE (6 to 1) with Councilmember Westbrook voting Nay.

The Mayor then requested that the Council vote on the main motion as amended.

MOTION CARRIED BY MAJORITY VOTE (6 to 1) with Councilmember Westbrook voting Nay.

MAYOR DUNN thanked the members of the Committee, Staff, the citizens and the Council for their input and patience during the discussion of this important issue.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that the 2003 Chandler Jazz Festival begins Friday and continues through the weekend at multiple venues in Historic Downtown Chandler. The Mini Mardi Gras Parade returns Saturday evening as well and all events are free. The Mayor encouraged citizens to check out the "Chandlerjazz.com" website for additional information.

The Mayor said that Arizona Students Recycling Used Technology (AZ StRRUT) invites Valley residents to drop off their obsolete computer equipment from 8:00 a.m. to Noon at Hamilton High School, 3700 S. Arizona Avenue, this Saturday. All donated computers will either be refurbished by AZ StRRUT classrooms or recycled for their components. After the computers are refurbished, they will be donated to local non-profit organizations and schools.

MAYOR DUNN stated that the 6th Annual Cinco de Mayo Festival will be held in Historic Downtown Chandler Saturday May 3rd from Noon to 8 p.m. The Chihuahua races begin at 5:30 p.m. with the King and Queen naming at 6:30 p.m. There will also be a number of displays and entertainment throughout the day and the event is free. He encouraged citizens to call the City's event hotline at 480-782-2735 for further information.

The Mayor also discussed the recent operational center for Wells Fargo groundbreaking ceremony that he attended and commented on the significant positive impacts this company will have on the entire community. He noted that the Governor's office was represented at this important event and noted that the facility will eventually be a 1million square foot major employment center (employing 4,000 employees) in the City of Chandler at the Price Corridor.

He also announced that Countrywide will be establishing in Chandler and this will result in the creation of 450 new jobs initially with up to 1,000 jobs in the future. He noted that this company will provide further diversification of the workforce.

He stated that he had the honor of attending the Spirit of the America Banquet at the Elks Lodge a few days ago and said that this great event honored America and our troops, sponsored by the Sons and Daughters of the American Revolution and the Tribune. He noted that the first Spirit of America Outstanding Educator Award was presented at this event and reported that James Munoz, a fifth grade teacher at San Marcos Elementary, was the recipient of this prestigious award.

MAYOR DUNN said that Isola Laminates has also announced plans for a \$10 million expansion in Chandler and noted that Chandler is now the North American headquarters for the company. 100 new jobs will be created.

B. Councilmembers' Announcements:

There were no Councilmembers Announcements at this time.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 11:50 p.m.

ATTEST: _____

City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 24th day of April 2003. I further certify that the meeting was duly called and held and that a quorum was present.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, May 8, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
** Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrooks	Councilmember

** Telephonic Attendance. City Attorney Dennis O'Neill explained that Councilmember Anderson is out of state and his telephone has been hooked into the City's audio system to allow him to participate in the entire meeting. He noted that Councilmember Anderson will be able to hear everything that is said at the meeting and all of his remarks as well will be heard by the members of the Council as well as the audience members. He explained the voting process that would be followed in order to maintain the integrity of the electronic voting system.

Mayor Dunn announced that in addition to participating in this evening's meeting, Councilmember Anderson is also in New York City, accompanying the members of the Chandler High School Choir, who are participating in a competition. Mayor wished the members of the Choir good luck in the competition.

Also in attendance:	Pat McDermott	Acting City Manager
	Rich Dlugas	Assistant City Manager
	Dennis O'Neill	City Attorney
	Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Nachie Marquez, Mark Eynatten, Chief Roxburgh, O.D. Burr, Dave Siegel, Doug Ballard, Garrett Newland, Acting Chief Neuman, Bryan Patterson.

INVOCATION: The invocation was given by Pastor Chuck De Lange - Christ's Community Church.

PLEDGE OF ALLEGIANCE: Councilmember Wallace led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Presentation - Chandler Alliance for Character

MAYOR DUNN requested that Dr. Stan Olivier and other Chandler Alliance for Character representatives join him at the podium and make the presentation. One of the representatives stated that last week the State Superintendent of Education, Mr. Tom Horne, expressed the need to develop knowledge and character in the classrooms. She stated that since February 1997, the Chandler Alliance for Character has been working to build character in Chandler. She added that the Chandler Alliance for Character has adopted five "core values" as foundations for character

education in the community and stated that the "core values" include *respect, responsibility, integrity, courage and compassion*. She added that promoting good character is critical to achieving the quality of life towards which they are all working.

Dr. Stan Olivier presented plaques to the five following individuals for the categories of:

Respect Steve Crain, Custodian at San Tan K-8

Mr. Crain continually strives to do his best work and keeps the campus clean and organized and always has a kind word for staff and students. He is always respectful of teachers and students and takes the time to talk with them.

Responsibility Martin Nava, Site Technician, Hartford

Mr. Nava is a representative of all the core values, but has been recommended for an award in the responsibility category. He is new to the school this year but has made it a point to get to know all of the members of the staff and students. He does anything that is asked of him in a timely and efficient manner. He has even taken on the responsibility of taking over a number of tasks not included in his job description because he has seen that a need exists. He is an excellent translator as well and does a majority of the translations.

Integrity Carolyn Rodriguez, Cafeteria Manager, Sanborn

Ms. Rodriguez always goes above and beyond to meet the students' needs and is a big "problem solver" for those who arrive late at breakfast or have lunchtime needs. The cafeteria kitchen and lunchtime program is run so efficiently because of her and she goes through the day displaying energy and a constant smile. Students and staff always feel invited and comfortable going to lunch or borrowing utensils.

Courage Pete Bova, Crossing Guard, Shumway

Mr. Bova displayed great courage in the face of a life threatening illness. For the last year and a half he showed up daily with a smile, despite the pain that he was experiencing. In addition, he worked around therapy and radiation treatments and the only time he missed school was when he was in the hospital. We were fortunate to know him but unfortunately he passed on March 11th before we were able to honor him.

Compassion Ryan Pansmith, Student, Bogle Jr. High

Mr. Pansmith did a beautiful "peace" poster for the Lion's International Club. He wrote, "Peace will come only if everyone was treated as if they were of value to the world."

MAYOR DUNN congratulated the recipients on their awards and thanked them all for their service to the community.

2. Proclamation - National Police Week & Peace Officers' Memorial Day

MAYOR DUNN requested that Chief DAVE NEUMAN join him at the podium as he read the proclamation. The Mayor commended the Chief on organizing a great memorial service for City employees this week and said it was wonderful to see the families and friends of the three officers Chandler has lost in the line of duty in attendance. He stated that the Congress and President of

the United States have declared May 15th as Peace Officers' Memorial Day and the week in which May 15th falls as National Police Week. The Mayor said it is his honor to declare May 15th Police Memorial Day in Chandler and to declare the week of May 11th through 17th National Police Week in Chandler.

CHIEF NEUMAN stated that next week during National Police Week, several Chandler Police Officers and the family of Rob Nielsen would be in Washington, D.C. where officers who have fallen in the line of duty will be honored. He noted that Officer Nielsen's name would be added to the national memorial in Washington that has been erected in honor of fallen officers. He noted that 149 names of officers from across the nation would be added to the memorial during that dedication ceremony. Chief Neuman requested that during National Police Week, citizens of Chandler place a blue light on in their homes during the evening hours to show support for all of the officers who have fallen in the line of duty and that all flags be flown at half staff to also show support for these brave and courageous law enforcement individuals.

MAYOR DUNN also noted that following the memorial service in Chandler on May 5th, names were added to the Arizona memorial. He said that Rob Nielsen's name and the names of three other officers from the State of Arizona were added to the State memorial in Phoenix.

3. Proclamation - Nurse's Week

MAYOR DUNN requested that JANET ALTOFF and members of the nursing staff of Chandler Regional Hospital join him at the podium as he read this proclamation. The Mayor stated that his wife is a critical care nurse and nursing teacher at a nursing college. He said that National Nurses Week is being observed May 6th through 12th with the theme "Nurses - Everyday Healing," and added that Chandler Regional Hospital is proud to honor the professional nursing staff at that excellent facility. The Mayor said it is his honor to proclaim May 6th through the 12th Nurse's Week in Chandler.

Councilmember Westbrook commended all of the nurses that he works with at Chandler Regional Hospital on a daily basis and noted the time, effort and dedication they put into carrying out their extremely important responsibilities. He commented on the current nursing shortage across the country and said that as a result the nurses have been asked to take on more patients, prepare more documentation, and work 12-hour shifts. He said that they do it day in and day out and deserve our appreciation and our recognition.

4. Presentation - Valorous Conduct Award - Shirley Ann Biggers

MAYOR DUNN, assisted by CHIEF NEUMAN and ASST. CHIEF NASH, requested that SHIRLEY ANNE BIGGERS join him at the podium. The Mayor stated that Ms. Biggers came to the rescue of a young child who was in harm's way and the City is honored to recognize her courage and quick actions this evening. Asst. Chief NASH stated that this year during the annual Ostrich Festival, Ms. Biggers, who attended the event like thousands of others, became a true crime fighter and protector of the innocent when she observed a small female child being roughly held by the hand and being led away from the rest of the crowd by an older man. Ms. Biggers, a mother of six and grandmother of twelve, immediately recognized the terrified and scared look on the little girl's face and her motherly instincts kicked in telling her that something was terribly wrong and the little girl did not belong with the older gentleman. Ms. Biggers, disregarding her own personal safety, immediately went out of her way to contact the pair and asked the little girl if the man holding her hand was her grandfather. The 3-year old shook her head "no" and Ms. Biggers then asked her where her mother was and the little girl answered, "she did not know."

He said that at this point, fearing for the child's safety, Ms. Biggers instructed the child to run to her and the little girl was able to break away from the male subject and ran over to the outstretched arms of Ms. Biggers. The male subject, realizing that he had lost control of the situation, immediately fled back into the crowd. Officers at the event, upon being notified of the incident, immediately began searching for the suspect; however, because of the large attendance, the subject was able to evade capture and has never been located.

CHIEF NASH noted that Ms. Biggers' "strong gut feeling" was right on the mark. The child's mother had been at the petting zoo with her daughter when she stepped a few feet backwards to throw away some trash and when she turned around, in those few split seconds, her little girl had disappeared. He stated that on behalf of Mayor Dunn, the members of the Council, all of the men and women of the Chandler Police Department and the citizens of Chandler, it is his honor to present her this evening with a Valorous Conduct Award, recognizing her courage in becoming involved. He added that it is because of her quick thinking and specific actions, the little girl was saved from certain peril. MAYOR DUNN presented Ms. Biggers with the Award and thanked her for her actions.

5. Presentation - Dr. Norm Hammer on Community Emergency Response Team (C.E.R.T.) Program

MAYOR DUNN requested that Battalion Chief JEFF CLARK join him at the podium and also called upon DR. NORM HAMMER to assist in the presentation. Dr. Hammer stated that approximately 13 months ago Battalion Chief Jeff Clark advised the City Fire Department Administration that a program was being started in cities around the country called Community Emergency Response Team (C.E.R.T.) He noted that the program takes anywhere from 8 to 20 individuals in a community, puts them through 30 to 35 hours of training as well as a 300-page textbook on assisting the Fire Department in mass casualty situations. He added that it provides the individuals with a background in evaluating and triaging patients, giving basic first aid, evacuating patients from buildings quickly, and being able to radio in to the fire command officer as to the number of casualties, how many hospitals need to be alerted, and what supplies will be necessary to provide the needed treatment.

DR. HAMMER reported that by the end of next month Chief Clark and his colleagues will have made 300 citizens of the City of Chandler ready to be called out on a 30-minute notice to handle a natural/man-made disaster. He discussed the very positive impacts of this program on the entire community and presented him a number of gifts in appreciation of his actions. He also thanked the citizens for their participation in this important program.

CHIEF CLARK provided a brief overview of the C.E.R.T. program and encouraged citizens who wished to participate to contact the Fire Department.

UNSCHEDULED PUBLIC APPEARANCES:

There were no unscheduled public appearances.

CONSENT:

MAYOR DUNN noted that Agenda item #6, the final adoption of Ordinance No. 3451, relating to the regulation of smoking and regulation of tobacco products, has been removed from the Consent Agenda and placed on the Action Agenda. He asked if there were any other requests for items to be removed.

COUNCILMEMBER WALLACE referred to Agenda Item #14, Resolution No. 3630 amending portions of the Citywide Fee Schedule. She noted that the fee associated with the second container pickup for citizens will not be increased and only the charge for the twice a week pickup will be increased from \$10 to \$14 a month. She noted that the citizens of Chandler have not had an increase in this area for many, many years and the increased cost is to cover the added services.

COUNCILMEMBER WALLACE also referred to Agenda Item #48, Changing the May 19, 2003 Study Session time to 6:00 p.m., and said noted that members of the Council have been invited to attend a tour of the Santan Freeway at 5:00 p.m. She questioned how attendance at the tour would affect the earlier start time for the meeting.

MAYOR DUNN stated the opinion that the tour will be brief and adequate time exists in which to attend and still make the 6:00 o'clock meeting start time. Staff will confirm that sufficient time exists and notify the Council of any changes if necessary.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER WESTBROOKS, to approve the Consent Agenda as presented

MAYOR DUNN stated that before the Council votes on this item, he wanted to advise that he was contacted by a couple members of the Council concerning the information relating to Agenda Item #46, (Amending the City Code relating to Court Fees), which Councilmember Westbrooks requested be added to the agenda on Friday. Mayor Dunn spoke in support of the proposal and said that his only concern is that a need may exist for Staff to provide additional information. He suggested that the item be continued to the next Regular Council Meeting and placed on the Consent Agenda of that meeting. He added that the Budget Office has also not had the opportunity to review this item and said that the additional time will be helpful for everyone involved.

COUNCILMEMBER WESTBROOKS provided a brief clarification as to the intent of his proposal and stated he would agree to continue the item until the next meeting to allow additional time.

COUNCLMEMBER CACCAMO indicated that he would like additional information to be provided on this matter and added that additional discussion should also occur. He thanked Councilmember Westbrooks for his efforts in this matter and his willingness to continue the matter.

COUNCILMEMBER WALLACE amended her motion to also include continuing Agenda Item #46 to the next Regular Council Meeting and COUNCILMEMBER WESTBROOKS agreed to second this amendment. MOTION CARRIED UNANIMOUSLY (7 to 0).

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Special Meeting of April 21, 2003, and the Chandler City Council Meeting of April 24, 2003.

2. ANNEXATION: South of SEC of McQueen & Germann Rds. Ordinance #3443
(Los Arboles Park Site)

ADOPTED Ordinance No. 3443, the annexation of approximately 12 acres of property located south of the SEC of McQueen and Germann Roads. (Los Arboles Park Site.)

3. DEVELOPMENT PLAN: Adobe Towers Ordinance #3448

ADOPTED Ordinance No. 3448, (DVR02-0036, Adobe Towers), rezoning from AG-1 to PAD for a single-family residential subdivision located at 1250 West Ray Road.

4. DEVELOPMENT PLAN: Festiva Court Ordinance #3449

ADOPTED Ordinance No. 3449, (DVR01-0029 Festiva Court), rezoning from AG-1 to PAD for a single-family residential subdivision located at the SWC of Knox Road and Hamilton Street.

5. EASEMENT AGREEMENT: ROM Prop./Archway Adjacent to Kokopelli Winery Ord. #3450

ADOPTED Ordinance No. 3450, granting a perpetual easement agreement to ROM Properties, L.L.C. for construction of an archway adjacent to the Kokopelli Winery.

6. On the Action Agenda (Code Amend./Smoking & Tobacco Product Regulations)

7. CODE AMENDMENT: Privilege Tax License Fees Ordinance #3440

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3440, amending Chapter 62, Section 62-310 of the City Code, increasing the annual privilege tax license fee from ten dollars (\$10.00) to twenty-five dollars (\$25.00), as recommended by Staff. Every person who conducts business activities with the City of Chandler is required to open an account and obtain a privilege license from the City. In addition to the application fee, an annual license fee is imposed to recover the costs associated with processing and maintenance of these accounts. This includes issuing licenses, processing tax returns and payments, auditing and taxpayer assistance. The last time this fee was increased was in 1990. Since that time, costs have increased to the point that it is now necessary to increase the fee in order to recover these costs. A survey of the application and annual fees charged by other valley cities was conducted and established that even with the recommended increase, Chandler will remain amongst the lowest.

8. CODE AMENDMENT: Special Regulatory Permit Requirements & Fees Ord. #3442

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3442, amending Chapters 15, 17, 18 and 20 of the City Code relating to special regulatory permit requirements and fees, as recommended by Staff. The adoption of this ordinance will align the language in the Chandler City Code with the fee adjustments and changes the minimum age requirement for Massage Therapists from twenty-one (21) to eighteen (18) years of age; clarifies who the responsible party is when an applicant for a Massage Establishment permit is a corporation, partnership or other business entity; and removes the requirement for applicants for a Sexually Oriented Business permit to be photographed by the Police Department and requires applicants to provide photographs. Also removes the requirement for applicants for Auctioneers and Pawnbrokers permits to be photographed by the Police Department.

In addition, Ordinance 3442 will ensure that each permit application with similar processing and investigation requirements have the same nonrefundable application fee of fifty dollars (\$50.00) and removes semi-annual or quarterly term for some permits and establishes that they are all

annual permits. However, this change also provides for the initial annual fee to be prorated according to when the application is submitted.

9. ANNEXATION: SEC of Willis Road & the Union Pacific Railroad Ordinance #3447

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3447, the annexation of approximately 33 acres of land located at the SEC of Willis Road and the Union Pacific Railroad. The property is zoned R-43 (Rural Residential) in the County and the owner has requested annexation by the City. The City's General Plan Land Use Element designates this property as part of the Chandler Airpark Area Plan and within that plan, the property is designated for light industrial land uses. The property is partly within a flood zone and any construction will need to comply with Flood Control District requirements. Although within the Chandler Airpark Area Plan, the property is not within an airport noise contour. The proposed annexation includes property owned by one property owner.

10. DEVELOPMENT PLAN: Monza Spec Building Ordinance #3452

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3452, rezoning from Planned Area Development (PAD) to Planned Industrial District (I-1)/PAD Overlay, along with Preliminary Development Plan (PDP) for a 9,000 square-foot office building on a .87-acre site located at 325 N. Austin Drive, Lot 73 (Southpark Business Center). Applicant: Lindquist Architects, David W. Lindquist, AIA. The overlay zoning will expand the list of permitted uses to include a number of commercial business, office and public assembly uses as a "matter of right" while placing limitations on the outdoor storage of hazardous materials and operation of hazardous activities by permitted industrial users. The applicant proposes a 9,000 square foot speculative office/industrial building and the owner, Monza Construction Company, will occupy the south half of the building for their company office and storage. There will be no outside storage.

The request was noticed in accordance with the provisions of the City of Chandler Zoning Code. A neighborhood meeting was held on February 25, 2003 at the Chandler Community Center and to date Staff has not received any phone calls or letters from residents opposing the proposal. The Planning and Zoning Commission and Staff recommended approval subject to the conditions listed in the ordinance.

11. DEVELOPMENT PLAN: Qwest Switching Facility Ordinance #3453

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3453, rezoning from Community Commercial (C-2) to Planned Area Development (PAD) for a communications switching facility and commercial development along with Preliminary Development Plan (PDP) approval for a Qwest facility expansion on approximately 1.2 acres located on the SEC of Chandler Boulevard and Oregon Street. (Developer: Jordan Rose - Jordan Bischoff McGuire & Rose, PLC.) The site is located in the downtown area and the applicant is proposing expansion of the Qwest facility on the site's south half and for a public parking lot and future commercial development on the site's north half. The City Center District (CCD) zoning designation for downtown is located directly adjacent to the south and east of this site.

The proposed commercial land use and Qwest facility expansion is in conformance with the General Plan and adopted Area Plans for this location. The General Plan identifies the site as being located within the Chandler Area and Redevelopment Plan. The request was noticed in accordance with the requirements of the Chandler Zoning Code and letters of notification about the public hearing dates and times were sent to property owners located within 300 feet of the

subject site. Letters were also sent to 38 historic downtown merchants informing them of the Qwest expansion and improvements. The project was presented to the Downtown Chandler Community Partnership on March 20, 2003 and to a Downtown Merchants' Meeting on April 2, 2003. There were positive comments made about the request and proposed elevations. Staff has not received any telephone calls or letters in opposition to the rezoning and PDP request.

In addition, a letter was received in response to concerns from Mayor Dunn regarding landscaping maintenance at existing Qwest facilities. The letter outlines Qwest's intent to increase the maintenance schedule at some of their facilities.

12. CHANGE OF USE: Applying a Portion of Future Park Site to Rd. Right-of-Way Reso. #3624

ADOPTED Resolution No. 3624, applying a portion of the future park site surrounding Basha High School, located at the NWC of Val Vista and Riggs Road to another public use, as recommended by Staff. On December 14, 2000, Council approved Resolution No. 3341, authorizing the purchase of a portion of a 100-acre future park site surrounding Basha High School. The developer of the adjacent subdivision to the west (Citrus Preserve) is in the process of constructing road improvements for Hillcrest Drive, which will serve as access to the subdivision from Riggs Road from the south and will also provide access to the Park. To accommodate these improvements, it is necessary to apply a portion of the Park to road right-of-way.

13. SUBMISSION OF PROJECTS: Arizona's 2004 Highway Safety Plan Resolution #3625

ADOPTED Resolution No. 3625, approving the submission of projects for consideration in Arizona's 2004 Highway Safety Plan, as recommended by Staff. The Governor's Office of Highway Safety notified the Chandler Police Department that they are requesting submission of proposals relating to all aspects of highway safety for the 2004 Federal Fiscal Year, which commences on October 1, 2003. In the past, the Department has experienced success obtaining awards from the Governor's Office of Highway Safety, including the recently acquired DUI trailer and pickup truck used to transport the trailer to DUI checkpoints. The Department anticipates submitting additional applications for award consideration in their 2004 program, however, a City Council approved resolution is first required and this document will become part of the application package.

14. FEE SCHEDULE: Amendments to the Citywide Fee Schedule Resolution #3630

ADOPTED Resolution No. 3630, amending the Citywide Fee Schedule as recommended by Staff. The schedule contains fees that are authorized by but not listed in the City Code. Each year Staff reviews the fees and forwards suggested adjustments or additions to the City Council for approval. The schedule will become effective July 1, 2003.

15. GRANT ACCEPTANCE: Approval to Accept DES-DDD Grant Monies for Reso. #3631
Camp Challenge

ADOPTED Resolution No. 3631, approving the Department of Economic Security, Division of Developmental Disabilities (DES/DDD) Camp Challenge Contract (No. E2103045), as recommended by Staff. Camp Challenge is a six-week summer day camp designed for mentally and physically disabled children. The City of Chandler has been receiving grant funding for Camp Challenge since 1986 and DES/DDD has once again made the grant monies available for this program. The funding will reduce Staff costs to the City by almost 50% and enable the

Recreation Division to continue providing a quality program. The level of funding is determined by DES/DDD. The contract is designed to compensate the City of Chandler for four service hours per day at \$8.24 per hour for each client. For 2002 (June and July), the City was awarded \$13,110 from DES/DDD to service 21 clients who attended Camp Challenge.

The Chandler Community Services Department expects to serve 50 children in the 2003-04 program. The one-year contract could be worth as much as \$24,917 and serve up to 21 clients. The contract is specified for June 1, 2003 to June 30, 2004.

16. IGA/PIMA COUNTY: Police Dept. Participation in High Intensity Drug Trafficking Area Program Drug Grant Reso. #3632

ADOPTED Resolution No. 3632, authorizing and approving an Intergovernmental Agreement (IGA) between the City of Chandler and Pima County for the Chandler Police Department to participate in the High Intensity Drug Trafficking Area Program Drug Grant Agreement (HIDTA XIII), as recommended by Staff. The IGA renews the agreement through September 30, 2004 with \$10,187 in overtime being authorizing to be paid. The work of the Maricopa County HIDTA Task Force has been fruitful in helping to eliminate methamphetamine labs.

17. REAL PROPERTY ACQUISITION: Public Roadway/Installation of Bus Bays Reso. #3635

ADOPTED Resolution No. 3635, determining that acquisition of real property for public roadway in connection with installation of busy bays within the City of Chandler is a matter of public necessity; authorizing the purchase of the real property; authorizing condemnation proceedings as needed to acquire the real property and to obtain the immediate possession thereof; and authorizing such relocation assistance as may be required by law, as recommended by Staff. Public Work's Capital Improvement Program (CIP) has identified the need for ten (10) bus bay installations to streamline traffic flow through the City, including Rural Road at Desert Breeze Boulevard, northbound and southbound; Alma School Road at Galveston Street, northbound and southbound; Dobson Road at Knox Road, northbound and southbound; Dobson Road at Galveston Street, northbound and southbound; and Warner Road at Bullmoose Drive, eastbound and westbound.

These improvements will be done as part of two "Bus Bay" projects which require acquisition of real property (rights of way in fee and related easements) from private property adjacent, nearby or related to the roadways served by the bus bay facilities. These are partial takes from larger parcels. Construction on the bays is scheduled to begin in September 2003 and the real property needs to be acquired as soon as possible so that the construction can proceed on schedule. This resolution authorizes acquisition of real property at fair market value either by purchase or condemnation. For all properties, a written offer and appraisal will be provided and a negotiation period of at least 20 days will be allowed to acquire the needed property through a purchase transaction. If unsuccessful, condemnation proceedings will be initiated as needed to acquire the property and to obtain immediate possession. Relocation assistance will be provided only where required by law.

18. DEVELOPMENT PLAN: San Tan Plaza Phase II (Wal-Mart Supercenter)

CONTINUED to the August 14, 2003 City Council Meeting, a request for rezoning (DVR02-0044, San Tan Plaza Phase II (Wal-Mart Supercenter) of approximately 24 acres from PAD Residential to PAD Large Single Use Retail, along with a Preliminary Development Plan to amend the existing Preliminary Development Plan for San Tan Plaza Phase I, located at the NWC of Arizona

Avenue and Willis Road. (Applicant: Kimberly Grimm, Continental Properties, Inc., Developer: Continental Properties, Inc.)

The Planning and Zoning Commission continued this application until the June 18th Commission meeting to allow the applicant to meet with new neighbors in "Alma School Place" and to resolve land use issues.

19. DEVELOPMENT PLAN: Candlewood Center/Extension of Timing Condition

APPROVED an additional three-year extension of the timing condition for DVR03-0001, Candlewood Center in response to a request for action on the existing Planned Area Development (PAD) zoning for the 14.5-acre commercial property with Conceptual Plan approval only for C-2 uses located on the NEC of Chandler Boulevard and McClintock Drive. (Applicant: Michele Hammond, Earl, Curley and Lagarde; Owner: Bruce Galloway, Pacific West Development.)

On April 23, 1998, the 14.5-acre parcel was rezoned from Agricultural (AG-1) to Planned Area Development (PAD) for a hotel/retail commercial development along with Preliminary Development Plan (PDP) approval. Community Commercial (C-2) uses were the permitted uses. On December 11, 2000, the zoning was extended an additional two years by City Council. However, with the consent of the applicant, the approval eliminated any references to an approved Preliminary Development Plan. As currently proposed, any commercial development on this property will require a new Preliminary Development Plan submittal and approval by the Planning Commission and City Council.

The request was noticed in accordance with the requirements of the Chandler Zoning Code and to date no objections have been received from the surrounding neighborhood or property owners. A neighborhood meeting was held on February 13, 2003 and was attended by two neighbors who were interested in being informed when the buildings are designed and when the Chandler Boulevard and McClintock Drive improvement plans are proposed. Planning Commission and Staff, upon finding consistency with the General Plan, recommended approval of the request to extend the timing condition for three years with all of the conditions in the original approval remaining in effect.

20. HOUSING: Subordination of Lien on 508 N. Washington Street (McCracken)

APPROVED a request to subordinate the Housing Rehabilitation lien on Project #98-2-4 located at 508 N. Washington Street. The single-family, owner-occupied home located at this address was rehabilitated under the City of Chandler's Housing Rehabilitation Program in 1998. A lien was placed against the property by the City for \$26,506. This lien is in the form of a 10-year repayable loan, where by the owner repays 25% of the total and the balance is forgiven at the end of the term of the loan. The owner's balance is currently at \$3,533.74 and the forgivable amount is \$19,879.50.

The owner has applied for a loan to refinance her current first mortgage to refinance her first mortgage in order to reduce her monthly payments. There will be no cash out to the owner. The approximate total amount of the new loan would be \$70,000. In order to obtain the loan, a subordination of the City's lien is required by the lending institution. The City's lien is currently in second position and would remain in second position after the new loan. The property has been appraised at \$135,200, which is more than the combined encumbrances of the City's lien and the new first mortgage.

21. AGREEMENT: Heinfeld, Meech & Co., PC - Professional Audit Services

APPROVED Agreement AC3-0893-2012 for a one-year period to Heinfeld, Meech, and Co., PC for Professional Audit Services, in an amount not to exceed \$72,995, as recommended by Staff. The City is required by City Charter and State Statute to issue an annual, audited financial report. In addition, Federal law requires the City to undergo an annual single audit of Federal Financial Assistance. Deloitte and Touche, LLP has been serving as the City's auditor and their contract for professional auditing services ended with the audit of the June 30, 2002 financial statements. Consistent with the City's practice to competitively procure a contract for auditing services every five years, a request for proposals for auditing services was issued upon the expiration of the current contract. The request sought a one-year contract with the option to renew for up to four additional one-year periods. Following a thorough review of the responses, the evaluation committee recommended that the contract be awarded to Heinfeld, Meech and Co., PC.

22. MASTER OPERATING AGREEMENT AMD.: Valley of the Sun United Way

APPROVED an amendment to the Master Operating Agreement with Valley of the Sun United Way (VSUW) to include City of Chandler Youth Enhancement Program (YEP), as recommended by Staff. VSUW has been administering YEP funds since the program's inception in Fiscal Year 1994-95. Since that time, the City has received effective distribution of funds through a community-lead process. VSUW carries the majority of staffing and overhead costs associated with the administration of the programs and provides efficiency by using their existing processes.

The amendment includes changes in the Administrative Criteria language that reflect the greater efficiencies developed by the VSUW's process of administration during the term of the last amendment to the Master Operating Agreement. This involves managing YEP programs with VSUW processes that are already in place whenever possible. The amendment also includes a request by VSUW to increase the administration fee from 3% to 4% of the allocated funds. Although the costs associated with administering YEP programs have increased, there has not been a fee increase since program inception. The cost of the increase would be approximately \$6,490. The increase will not decrease the base funding available for programs. The term of the amendment is for three years with two one-year renewals. There are no changes proposed to the Master Operating Agreement and the Social Services Funding and Acts of Kindness programs to which that document refers.

23. PROFESSIONAL SERVICES CONTRACT: Hydrogeologic Services & Groundwater
& PROJECT AGREEMENT Quality Study for Future City Wells

AWARDED an annual professional services contract for hydrogeologic services and approved a project agreement to Southwest Ground-water Consultants, Inc., for a Groundwater Quality Study for Future City Wells (Project No. WA0329-101) in an amount not to exceed \$133,780, as recommended by Staff. The development of new well sites is required to provide water to meet the City's future demand. This study will help identify geologic and hydrologic trends and relationships in the local groundwater system, and will also enable City Staff to make informed decisions regarding the placement of future well sites. The purpose of the study is to define those areas within the City's Planning Area that provide the best potential for high producing wells with the appropriate water quality.

24. PROFESSIONAL SERVICES CONTRACT: Well Rehabilitation (Gilbert Road)
& PROJECT AGREEMENT

AWARDED an annual professional services contract for hydrogeologic services and approved a project agreement to Clear Creek Associates for the Gilbert Road Well Rehabilitation, Project No. WA0330-201, in an amount not to exceed \$34,882, as recommended by Staff. The City has several existing potable water wells that are not currently in use due to age, condition and/or water quality. The City's current CIP includes several wells that are to be rehabilitated in order to provide an additional source of water to the City. One of the wells considered in this assessment was the Gilbert Road Well. The assessment included an evaluation of well characteristics such as water quality constituents, water production and type of construction that was originally performed for the Gilbert Road Well. Based on that evaluation, Staff has determined that it would be a benefit to the City to rehabilitate the well. This contract includes pre-construction and construction services.

25. CONSTRUCTION CONTRACT: Water Flushing Valve Replacement

AWARDED a construction contract to Mastec North America, Inc. for Water Flushing Valve Replacement, Project No. WA0226-401, in an amount of \$140,187.78, as recommended by Staff. City Staff routinely flush all dead-end waterlines in the water distribution system to maintain water quality in these lines. Four years ago, City operations Staff identified a number of these flush valves that needed to be repaired or replaced. A three-year capital improvement program was developed and 202 of these valves have been replaced in previous fiscal years. This contract is to replace the remaining 49 valves in this third and final year of the program. The remaining valves are at locations throughout the City. Contract time is 120 days and construction inspection will be performed by City Staff.

26. CONSTRUCTION CONTRACT: Fire Station No. 8

AWARDED a construction contract for the construction manager at risk project to Layton Construction of Arizona for Fire Station No. 8, Project No. FI0208-401, in an amount not to exceed \$1,694,195, as recommended by Staff. The Fire Department completed a comprehensive self-assessment as part of its on-going accreditation process. The most important element of the process was the completion of the Standard Response Coverage Study. The results of the study concluded that a growth station should be built in the area of Chandler Boulevard and Alma School road to bring the Department closer to achieving response time goals. The proposed location of Fire Station No. 8 is 811 West Frye Road, just west of the San Marcos Elementary School.

27. CONSULTING CONTRACT: Consolidation, Integration & Organization of Development Requirements, Codes & City Standards

AWARDED a consulting contract to Community Sciences Corporation for Consolidation, Integration and Organization of Development Requirements, Codes and City Standards, Project No. PA0301-101 in an amount not to exceed \$97,000, as recommended by Staff. The intent of this project is to consolidate, integrate and index the various land development codes and requirements found in different chapters of the City Code. In addition, there are other Council policies and City procedures that also affect land development in the City. This project is to unify these various sources in a form that also features a user-friendly index of key words/phases, all of which would be available electronically.

This project is prompted by input received from the City's development clientele, during a participative review of the City's development process last year. A focus group representing the

development community will be included in the preparation and testing of the proposed unified development code. Key staff from several City departments will be involved throughout this project. The consultant is necessary to oversee the process, to insure effective code management and to provide the technical capacity to produce the electronic, searchable index of key words and phrases.

28. CONTRACT: Design & Construction of a Tie-in to the Existing Water System & Pump Station at the Snedigar Sportsplex

APPROVED a contract with Mohave Educational Services Cooperative for use of their Job Order Contract with Centennial Contractors Enterprises, Inc. for the design and construction of a tie-in to the existing reclaimed water system and pump station at the Snedigar Sportsplex, Project No. WW0105-403, in an amount not to exceed \$482,179, as recommended by Staff. The Snedigar Sportsplex currently uses a high volume of potable water for irrigation purposes. In order to lessen this dependency on potable water, the Sportsplex is converting its irrigation system to use reclaimed water with potable water as a backup. This project will allow for the design, permitting, construction and construction management of a pump station and connection to the City's reclaimed water system, a connection to the existing irrigation system as well as a back-up connection to the City's potable water system.

29. CONTRACT: Printing/Folding of the CityScope

AWARDED a contract for printing/folding of the CityScope in an amount not to exceed \$35,000, as recommended by Staff. The CityScope is a monthly newsletter for Chandler citizens. The newsletter is inserted and mailed along with water bills. The newsletter is printed on recycled paper. The contract also includes the printing and folding of the City of Chandler Quick Look Phone Directory and Six Month Calendar. The contract for printing/folding the CityScope Newsletter expires in June 2003 and an Invitation for Bid was issued to establish a new contract. The new contract prices reflect an annual savings of approximately \$12,000.

30. CONTRACT EXTENSION: Sports Officials - Referee

APPROVED extending the contract (RFP No. CS2-0799-1874) for Various Sports Officials to Professional Referee Organization Sports (P.R.O.) in an amount not to exceed \$30,000, as recommended by Staff. These services are required to operate the adult sports programs for flag football, basketball, and indoor volleyball. Survey indicates pricing is comparable with other local entities. Games are played three seasons per year (except flag football, which is played twice per year) 10-11 weeks per season totaling approximately 1,076 games per year.

Council awarded a contract to P.R.O. Sports in May 2002 for various sports officials. The contract included an option to extend three additional one-year periods upon mutual agreement between the City and the contractor. The contract expires June 30, 2003 and Staff recommended a one-year extension. The contractor has agreed to extend the contract for one year with no price increase. The contract period will be July 1, 2003 through June 30, 2004.

31. CONTRACT EXTENSION: Umpire Services - Southwest Officials Association

APPROVED extending the contract (Bid No. CSO-0799-1670) for Professional Softball Umpire Services to Southwest Officials Association in an amount not to exceed \$53,000, as recommended by Staff. These services are required to operate the Men's and Co-Recreational Softball programs and invitational tournaments. Games are played three seasons per year, 10-

11 weeks per season, totaling approximately 3,000 games per year. Council awarded a one-year contract to Southwest Officials Association in June 2000 for professional softball umpire services. The contract included an option to extend three additional one-year periods upon mutual agreement between the City and the contractor. The contract was extended for one year in May 2002 and Southwest Officials Association has agreed to extend the contract for year four with no price increase.

32. CONTRACT EXTENSION: United Fire - Fire Uniforms

APPROVED extending the contract (RFP No. FA0-8405-1669) for Fire Uniforms with United Fire in the amount of \$110,557, as recommended by Staff. Firefighters are provided with uniforms that conform to National Fire Protection Association guidelines. The uniforms consist of cotton pants, cotton shirts, which includes polo and t-shirts, sweatshirt, protective shoes and dress shirt and pants. City Staff is satisfied with the uniforms provided by United Fire and has recommended that the contract be extended for the fourth and final extension period, July 1, 2003 through June 30, 2004. The contract was originally awarded by Council in June 2000 as a one-year contract with three one-year renewal options. United Fire has agreed to extend the contract with a 3% increase which staff considers to be reasonable.

33. CONTRACT EXTENSION: United Fire - Fire Turnouts

APPROVED extending the contract for fire turnouts (Bid No. FA2-4210-1880) with United Fire in an amount not to exceed \$41,061, as recommended by Staff. Firefighters are provided protective fire fighting clothing, which includes turnout jackets, turnout pants, fire-fighting boots and a fire-fighting helmet. The Department has a replacement plan, which was approved in FY 2000, which provides 1/4 of protecting clothing to be replaced annually. The Fire Department Safety Officer conducts an annual inspection of fire fighting protective gear to assure the Department is in compliance with National Fire Protection Agency guidelines. From this inspection, protective clothing is replaced as needed.

City Staff is satisfied with the fire turnouts provided by United Fire and has requested that the contract be extended for one year, August 1, 2003 through July 31, 2004. This contract was originally awarded by Council in May 2002 as a one-year contract with two one-year renewal options. United Fire has agreed to extend the contract with a 3% increase that Staff considers to be reasonable.

34. CONTRACT: Universal Police Supply - Leather Boots for Fire Fighters

AWARDED a contract for leather boots for Firefighters with Universal Police Supply in an amount of \$34,273.11, as recommended by Staff. The technology has changed in regard to protective gear for fire fighting. The Fire Department Safety Committee has studied the design changes to structural fire fighting boots in particular. The new boots are lighter and offer better support, thus reducing back injuries, the largest single cause of worker comp claims in the nation. The Sole and Tread design also make for safer footing for the duties of fire fighting such as climbing and roof work. The cost/benefit ratio also warrants the purchase of these boots for Fire Department members.

35. CONTRACT EXTENSION: Stantec Consulting - Annual Survey Contract

APPROVED a one-year extension to the existing annual survey contract, (EN0001-103) with Stantec Consulting, in an amount not to exceed \$100,000, as recommended by Staff. The City

contracts with a consultant to provide land title surveys, right-of-way easement surveys for acquisition and documentation boundary surveys, topographic and mapping surveys, satellite-based control surveys, miscellaneous property line location surveys and the preparation of legal descriptions and exhibits. Typically, the survey fees range from \$600 up to \$10,000 a project. The relative small size of the projects and fees do not warrant the expense of a consultant selection for each project, therefore City Staff select a consultant for an annual on-call contract. The City has utilized the efficiency of this on-call survey contract for the past four years.

The current consultant was selected for a one-year contract with an option to renew for two additional years. This contract extension will be the third and final year of the annual survey contract.

36. CONTRACT EXTENSION: G & G Construction - Asphalt Patching Service

APPROVED a one-year extension of the contract (ST1-0161-1761) to G & G Construction Co. for asphalt patching service in an amount not to exceed \$360,000, as recommended by Staff. This as needed asphalt patching contract will be used in the repair of major arterials, collectors, and local streets. Paving and patching is normally completed by the Street Division crews, however, the volume or scope of work to be completed exceeds the capacity of the existing crews. Therefore, the contract will be used to complete the overflow asphalt work. The Municipal Utilities Department also uses this contract for various concrete and asphalt patching work.

In May 2001, the City Council approved a one-year contract for asphalt patching with a renewal option for two one-year periods. The current contract period is through May 31, 2003. City Staff is satisfied with the service provided by the current contractor and has requested that the contract be renewed for the period June 1, 2003 through May 31, 2004. G & G Construction has agreed to renew the contract with an 11% price increase. Crack sealing and survey work were also added to the project. The requested increase is still lower than the previous next lowest bidder. Renewal of the contract will allow the City to avoid administrative costs associated with rebidding.

37. CONTRACT EXTENSION: Ecology Control Industries - Transportation of Sludge

APPROVED the renewal of contract WA0-0421-1633 for transportation of sludge with Ecology Control Industries in an amount not to exceed \$120,200, as recommended by Staff. Staff has requested up to a four-month extension to allow time for the bid process and possible transition to a new contractor. Staff started the extension process in February of 2003. After extensive negotiations, Staff was unable to reach an agreement on a requested price increase. The City has an ongoing requirement for transportation and disposal of sludge generated by the Water Treatment Plant, the Ocotillo Water Reclamation Facility and the Airport Water Reclamation Facility. In November 2002, the requirement for transportation of waste collected by street sweeping operations was added to the contract. The requested contract renewal is to fulfill the transportation portion of this requirement. The City will use a separate contract with Waste Management for the land filling of sludge.

In May 2000, the City Council awarded a one-year bid with provisions to extend for up to four additional one-year periods to Ecology Control Industries. The contract was extended for the first two years with no price increases. Ecology Control Industries is requesting a price increase for the third extension and the increase is based on two components. The first component is based on the increase in fuel costs and the company is requesting a 7% surcharge to cover increases costs of fuel. This surcharge will be removed when their cost of fuel returns to \$1.50 or less per gallon. The second component is an additional increase of 30% on material collected from the

Water Treatment Plant due to the density of the material and increased cost of handling. Staff has recommended that the contract be re-bid. The current contract expires May 31, 2003 and the requested amount is based on four months usage.

38. CONTRACT: Waste Management of Arizona - Residential Refuse Collection

AWARDED an Invitation for Bid (IFB) SW3-0495-1909 for residential refuse collection to Waste Management of Arizona, Inc. in an estimated amount of \$3,800,000 for the first year and an estimated cost for the entire six-year term of the contract of \$27,000,000, as recommended by Staff. The City has an ongoing requirement for the collection of refuse and recyclables generated by residents of single-family homes. This requirement is currently fulfilled through contract with Waste Management of Arizona, Inc. The current contract will expire September 30, 2003.

Bids were opened February 11, 2003 and a committee evaluated the bids. Based on the responses received, the committee recommended the award to Waste Management of Arizona who submitted the low bid. The requested contract will have a 6-year term beginning October 1, 2003. The contract rate will be adjusted annually, beginning October 1, 2004, to reflect increases or decreases in the Consumer Price Index for all urban consumers-US Cities Average, as published by the Bureau of Labor Statistics.

39. PURCHASE: Street Asset Management System Software/Hansen Technologies, Inc.

APPROVED the purchase of Street Asset Management System Software from Hansen Technologies, Inc. (Proposal ST2-7030-1872) in an amount not to exceed \$80,572, as recommended by Staff. The Public Works Department has a need to purchase software to manage existing street and traffic engineering infrastructure within the road right-of-way. This software allows Staff to properly manage inventory, track work orders, and develop maintenance programs. The benefits include better cost control and allocation of staff resources. The Streets and Traffic Engineering Divisions requested proposals be obtained and three proposals were received in response to the RFP. Hansen Information Technology, Inc. was selected by the evaluation committee. The cost includes all upgrades and maintenance for a one-year period after final acceptance.

40. ARTWORK: "A Corridor in Time" by Artist John Pugh

APPROVED the purchase and installation of a commissioned trompe l'oeil mural by artist John Pugh, for permanent display in the Downtown Chandler Breezeway, at a total cost of \$61,800, as recommended by the Chandler Arts Commission. In June 2002, the Chandler Arts Commission released an open medium Call to Artists asking for proposals for an original artwork for the Downtown Chandler Breezeway. This Call to Artists resulted in 45 proposals and was juried by a public art jury consisting of artists, community members and downtown merchants in October 2002. Eight finalists were recommended to the Arts Commission as a result of this process and all of the finalists made presentations to the Commission in January through February of 2003.

The recommended proposal, by Artist John Pugh, is a design that expands the space of the thoroughfare in a realistic style. Titled "A Corridor in Time," the artwork depicts a corridor of arches, skylights, and plantings all indicative of the space. On the interior walls of the mural are paintings depicting the importance of water and irrigation to the City's history, and reflected within these paintings of water are familiar images of the City of Chandler's past and present. The mural will create an optical illusion to the viewer making them feel as if they could enter the mural by way of a set of steps, creating a feeling of expansion in a space that is long and narrow. The

mural is painted on canvas off site, transported to the City of Chandler for installation and will be sealed with polyurethane for durability.

41. USE PERMIT: Brooke Corporation

APPROVED THE WITHDRAWAL of a request for a Use Permit (UP03-0003 Brooke Corporation), for the operation of a real estate and insurance business within a single-family residence located at 598 West Chandler Boulevard (NEC of Chandler Boulevard and Hartford Street); Applicant: Doyle Purvis for Brooke Corporation. The applicant has requested that the application be withdrawn.

42. LIQUOR LICENSE: Zorro's Fresh Burrito Grill

APPROVED a City of Chandler Series 12 Restaurant Liquor License (#300000568) and that a recommendation for approval of State Liquor License No. 12075442 for John Jaramillo, Agent. Jaramillo John Et Al, a partnership, dba Zorro's Fresh Burrito Grill, at 3125 S. Alma School Road, #2, be forwarded to the State Department of Liquor Licenses and Control. This application reflects a change in ownership and Planning and Development has advised that a new Use Permit is not required since this will be a continuation of the location's previous use as Zorro's Fresh Burrito Grill.

The Police Department reported no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

43. FINAL PLAT: Arizona Reflections Unit IV

APPROVED the Final Plat (FPT01-0016 Arizona Reflections Unit IV) a 15.1-acre parcel divided into 63 single-family home lots located south of Pecos Road and Hamilton Street. (Applicant: KB Home Phoenix, Inc.) The plat is for the last phase of the Arizona Reflections subdivision. The development is a small lot single-family home neighborhood with lots arranged in a cluster lot configuration. The plat creates the lots, tracts and necessary easements and dedicates the required right-of-ways.

44. PROFESSIONAL SERVICE AGREEMENT: Shannon Executive Search - Recruitment of a City Manager

APPROVED a Professional Service Agreement with Shannon Executive Search for the recruitment of a City Manager in the amount of \$18,000 plus reimbursement of directly related expenses. Shannon Executive Search has provided a proposal for the recruitment of a City Manager. This is a comprehensive search proposal with an estimated completion date of September or October of this year.

45. BOARD AND COMMISSION APPOINTMENTS:

APPROVED the Mayor's recommended appointments to the following Boards and Commissions:

Board of Adjustment	Carolyn Rhinehart
Neighborhood Advisory Committee	Irene Martinez
Housing & Redevelopment Committee	Calvin Cole

46. CODE AMENDMENT: Court Fees

Ordinance #3454

CONTINUED Ordinance No. 3454, to the May 22, 2003 Council Meeting. Ordinance No. 3454 would amend Chapter 25, Section 25-4 of the City Code relating to court fees. Councilmember Westbrooks requested that the ordinance be placed on the agenda. The ordinance would establish a domestic violence prevention fee (\$50.00) that would be assessed against those persons found guilty or placed on a deferred prosecution program for domestic violence offenses.

47. SETTLEMENT AGREEMENT: Archon, Inc.

APPROVED the Settlement Agreement with Archon, Inc. (Case No. CV2001-019204) in the amount of \$594,243; approval of Change Order #33 in the amount of \$39,135; and approval of final quantity adjustments in the amount of \$193,251.44 on Chandler Boulevard Improvement Project, No. ST9831-403, for a revised contract total of \$8,720,299.95, as recommended by Staff. On September 21, 2000, City Staff recommended and Council approved roadway widening and aesthetic improvements for Chandler Boulevard between 133rd Street and McQueen Road. Contract work was subsequently completed on May 11, 2002 but the City and the contractor have been involved in litigation and negotiating resolution of a number of claim issues until reaching agreement on April 23, 2003.

A late request for additional compensation (Change Order No. 33) was received after substantial completion to compensate the contractor for miscellaneous unforeseen utility conflicts. After reviewing the contractor's supporting documentation for \$55,620 in additional costs, City Staff negotiated and the contractor agreed to a change order cost of \$39,135. Contract final quantities were also verified and resulted in a total quantity overrun of \$193,251.44. In addition to these contract changes, City legal Staff resolved a number of legal disputes and has recommended approval of the settlement agreement to pay Archon \$594,243 for their claim for full compensation for trench backfill.

48. STUDY SESSION TIME CHANGE: May 19, 2003 Study Session

APPROVED changing the scheduled time of the May 19, 2003 Study Session from 7:00 p.m. to 6:00 p.m. as recommended by Staff. On Monday, May 19, 2003, a Special Meeting to discuss the 2003-04 Budget Amendments will be held at 6:00 p.m. To better facilitate the schedule for the evening, Staff recommended that the Study Session be moved from the regularly scheduled time of 7:00 p.m. to 6:00 p.m. The Special Budget Amendment Meeting will immediately follow the adjournment of the Study Session.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER WESTBROOKS, to approve the Consent Agenda as presented with Agenda Item #46 continued to the next Regular Council Meeting. MOTION CARRIED UNANIMOUSLY (7 TO 0).

ACTION AGENDA

6. CODE AMENDMENT: Regulation of Smoking & Tobacco Products Ordinance #3451

MAYOR DUNN commented on the significant amount of discussion and citizen input that as surrounded this issue and noted that the issue is a difficult and sensitive one. He noted that many cities are opting not to tackle the issue at all or to leave it up to the voters and said that although the decision that is reached tonight will not please everyone, he believes that the Council will demonstrated leadership by taking on this responsibility and making a tough decision.

He said that he is pleased with the overall process and believes that the members of the Committee did a very good job. He noted that this evening the Council will vote on the final adoption of the approved ordinance and said that there are questions or issues members of the audience may wish to pose during the meeting. He also commented on the fact that Staff will highlight a presentation and present additional information on proposed implementation plans, particularly as the issue relates to accessory bars, and noted that a report will be presented to the Council in less than a year addressing the effects and status of the ordinance.

COUNCILMEMBER BRUNO indicated her intention to place a motion on the floor and clarified that this in no way means that she wants to hinder any discussion.

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY VICE MAYOR HUGGINS, that Ordinance No. 3451, amending Chapter 11, Sections 11-7 and 11-8 relating to regulation of smoking and regulation of tobacco products, be adopted.

MAYOR DUNN requested that PATRICE KRAUS address the Council and provide additional information at this time relative to this issue.

MS. KRAUS said that she has information regarding the manner in which similar ordinances have been implemented in other cities. MAYOR DUNN commented that it is his understanding that the language in the ordinance, as it pertains to accessory bars, was reviewed by the Committee and language from other communities were compared.

MS. KRAUS reported that Staff took a number of ordinances that were adopted in other communities, including Flagstaff, Gilbert, Goodyear, Guadalupe, Mesa, Surprise, Tempe and Tucson, and used them as a model upon which to craft the ordinance that is currently before the Council. She said that most of the sections, including the sections relating to penalties and enforcement and definitions, were all taken from other ordinances that are in effect in other places. She added that Staff believed this will provide an opportunity to learn from the other communities exactly what worked and what did not.

MS. KRAUS responded to concerns expressed by the Mayor relative to the physical separation of accessory bars and whether the proposed ordinance allows Staff some measure of flexibility to carry out enforcement of this matter on an individual basis. She said that the definition of physically separated includes all of the space between the floor and the ceiling and said that a room would therefore have to have ceiling to floor walls, be totally enclosed by walls or windows, and would have to be separately ventilated from the smoke-free areas. She also noted that it says it must meet other reasonable requirements consistent with the Chandler building code and the chapter, including the use of self closing and tight fitting doors. She pointed out that it doesn't limit it to those options although she believes it would be difficult to come up with alternatives other than doors that would work and meet the requirements of the chapter. She added that some flexibility might exist if they go out and there's some way that they can meet the requirements of the chapter but said that most likely it is going to mean that they have to use self-closing and tight-fitting doors.

The Mayor stated the opinion that they need to give some discretion to Staff to see how well that is carried out instead of just having "one shoe that fits all." Ms. Kraus said that this is one of the things that will be included as part of the report that the Mayor requested Staff submit. She noted that any time you implement a new regulation or law, it is likely that unforeseen issues are going to develop. She added it may turn out that Staff's report may indicate that they believe ordinance modifications are in order but said it is difficult to anticipate what those may be until the actual

implementation takes place. She commented on discussions she has had with other communities, including Mesa and Gilbert, and said that she has requested that a meeting be set up with the key staff in those municipalities and selected Chandler Staff, to discuss some of the problems and issues that arose during their implementation phases.

MS. KRAUS also discussed Staff's opinion that the decision of who should actually enforce the ordinance should be made by the City Manager. She clarified that the reason Staff came to this conclusion was because at the time Staff was in the process of crafting the ordinance they did not know what the Council was going to select as far as the entities that were going to be under the ordinance and said if an ordinance is being enforced for example in a free-standing bar, a different entity might be selected for enforcement, such as the Police Department, rather than Code Enforcement. She said that Staff therefore decided to leave this issue up to the discretion of the City Manager, based on the ultimate decisions that are made by the City Council.

VICE MAYOR HUGGINS said that he has heard from two people who work in restaurants where alcohol is not served and they wanted to know if separate areas for smoking would also be required in those establishments. MS. KRAUS responded that in accordance with the ordinance, restaurants that do not have separate areas, accessory bars, would not be able to allow smoking. She said that if they do not serve alcohol, they would not be able to allow smoking. She added that this would not include outdoor areas and said that smoking is allowed on outdoor patio areas.

MAYOR DUNN thanked Ms. Kraus for her clarifications.

The Mayor noted that a number of citizens have submitted speaker cards indicating that they wish to speak on this item and requested that they limit their remarks to two minutes each.

PHIL CARPENTER, 7123 S. Taylor Drive, said that he is opposed to the current ordinance as proposed. He added that when you have communities such as New York, Boston, the entire state of Delaware and the entire state of California choosing and it's working for them, it would be nice if Chandler could pursue the true vision as well and enact a complete ban and protect the workers and the citizens.

MICHAEL CUNEO, 901 W. Mesquite, stated that if you ban smoking in the workplace and include bars and accessory bars, what is left for the smokers other than their homes. He said that their children do not have the luxury of letting their "feet do the walking" and cannot leave their homes because their parents smoke. He said that smoking is more than an irritant, if it is dangerous, why would they force people to smoke only at home where children will suffer. He added the opinion that restricting smokers to only smoking at home encourages youths to follow in the footsteps of their parents. He spoke in support of a Statewide measure to ban smoking and said that the Council's action is a right step forward in this direction.

MARGUERITE MUNKACHY, 4811 W. Flint, Chairman of Chandler for Healthy Smoke-free Workplaces reported that an overwhelming majority of Chandler voters want to see a smoke-free workplace everywhere, including bars. She reported that over 3/4 of those voters believe that it is the Council's responsibility to promote public health in the community. She commented that public discussion was interrupted by a motion from Councilmember Bruno to reflect what she and her group believe to be the Chamber of Commerce's wishes. She thanked Councilmember Westbrook for acknowledging the need to be progressive leaders and urged the rest of the Council to follow his lead. She added the opinion that the proposed ordinance does not hold all establishments to the same standards and expressed concerns relative to vague and ill-defined regulations and requirements.

CHRIS ALVILLAR, 777 West Chandler Boulevard, a member of the Blue Ribbon Committee and a resident of Chandler, stated that the important message of the pro-health members of the Committee is that second hand smoke is dangerous and therefore deadly. He stated the opinion that if a bar is attached to or is part of a restaurant, smoking should not be allowed there. He asked the Council to reconsider this issue and thanked Councilmember Westbrook for his courage in standing alone and facing up to the important task that should be done for the good of the entire community.

MICHELLE PABIS, representing the American Cancer Society, also spoke in opposition to the adoption of the proposed ordinance. She noted that this issue at hand is one of public health and agreed with the previous speakers comments relative to Councilmember Westbrook's courage in addressing the issue that needs to be addressed. She stated the opinion that the ordinance the Council will vote on this evening does not truly reflect the six months of work that the members of the Committee put in. She noted that in accordance with the current ordinance, 60% of restaurants that do not have liquor licenses will be smoke free in 2003 and said this means that places such as McDonald's, Taco Bell, Burger King, etc. will continue to be smoke free but 40% of other restaurants and bars will have smoking sections with "wind tunnel" ventilation systems and a second hand smoking section. She urged the Council to reconsider their decisions and vote for a total ban on smoking in Chandler.

MERYL SALIT, 102 West McDowell Road, Phoenix, said she wanted to share her disappointment in the culmination of months of hard work and commitment on the part of the smoking regulation policy committee. She thanked the Council for appointing her to that committee, despite the outcome, but said that tomorrow, if the current ordinance is approved, Chandler residents still cannot be assured that they will be protected from the lethal toxins of second hand smoke unless they only patronize restaurants that serve no alcohol. She added that all restaurant/bar combinations with sales of 51% alcohol will be exempt from restrictions and all restaurants with accessory bars will be allowed to turn the bars into smoking sections as long as they are physically separated and ventilated. She added that the requirements are left up to interpretation and are essentially unenforceable and ineffective.

DR. LEE FAIRBANKS, 1866 E. Vinedo Lane, Tempe, spoke in favor of free speech and citizens' opinions. He stated the opinion that despite what happens this evening, the people are not going to let this issue go and they will be back demanding that public health become a priority and smoking be banned in Chandler. He stated that bars must be included in the ordinance and added that they are the unhealthiest workplaces with the highest rates of air pollution and cancer, as well as emphysema among the workers.

RIC SERRANO, 1493 E. Mesquite, speaking on behalf of the Chamber of Commerce and Serrano's Mexican Restaurants, thanked the Council for their vote in favor of the draft smoking ordinance that exempts the bars and accessory bars. He stated the opinion that the ordinance works well for both sides. He outlined a number of statistics relating to restaurants and accessory bars and said 223 restaurants in Chandler that do not allow alcohol will all become non-smoking. He added that the big discussion involves the 109 remaining restaurants that have liquor licenses and said that after investigating all of these, 20 have confirmed that they will remain smoking, 65 confirmed that they will become non-smoking, and there are 24 still undecided. He noted that this means there are 372 entities, including restaurants without liquor licenses when you total them up and 43 will go smoking, 305 will be non-smoking, and the undecided is 24. He added that percentages are 18% of the establishments will therefore be smoking, 82% will be non-smoking and 44 restaurants may retain the option of allowing smoking.

COUNCILMEMBER WESTBROOKS asked why all of the restaurants should not be included in the ban if a majority of the restaurants are leaning that way anyway. MR. SERRANO responded that there are businesses out there that choose to retain smoking customers and noted that it is not against the law to smoke. He also commented on the fact that people who are allergic to smoke will not frequent smoking establishments and added that if you can wall off the smoking area, everyone wins.

COUNCILMEMBER WESTBROOKS said that he respects Mr. Serrano's and his business operation but stressed the importance of a "level playing field." He added that although if it was up to him every establishment in Chandler would be smoke free, it is not, and said that although he can see bars continuing to allow smoking to occur, he does not believe that this should be the case in restaurants.

MR. SERRANO responded to Councilmember Westbrooks' call for a "level playing field" and noted that it's a level playing field around cities, not around restaurants. He noted that if all of the restaurants in Chandler go smoke free, with accessory bars included, customers will go to the bordering cities of Mesa and Gilbert.

COUNCILMEMBER WALLACE noted that a majority of the citizens that go to bars are smokers and the majority of citizens that go to restaurants are non-smokers. She said that Mr. Serrano just talked about the fact that 80% of Chandler's citizens that go to restaurants are non-smokers and 80% that go to bars are smokers. She noted that he stated earlier that it is not illegal to smoke and agreed but said that a number of e-mails have been received from citizens who say "I hate cigarette smoke but this is about rights." She stressed the importance of protecting a majority of the citizens, but also noted the importance of achieving a balance in not stomping on the rights of those who choose to smoke.

COUNCILMEMBER WALLACE discussed a Chandler business owner who has a bar and said that a majority of the owner's customers smoke. She said that because they choose to smoke and frequent bars, if the Council bans smoking in bars, those people would simply not go to the bars anymore, they would stay home, and so it's not as though they would just be taking away the smoke from that environment, they would absolutely be taking away the customers from that establishment. She said that this is a major concern of hers and added that although the Council probably did not make anyone 100% happy, she does believe they achieved a necessary balance.

In response to a question from Councilmember Wallace, Mr. Serrano responded that if a worker has a problem with working in the bar area because of the smoking and brings that forward, effort is expended to meet that employee's needs. He stated the opinion that 80%+ of the workers in bars are smokers and added that this has not been a problem.

VICE MAYOR HUGGINS stated the opinion that the Committee was a fair and diverse one and commended them for their efforts.

MAYOR DUNN expressed appreciation to Dr. Fairbanks for presenting his opinions in a respectful, professional manner and to the other members of the Committee for their hard work and diligence. He added the opinion that the Council has taken a major step forward, not only for Chandler but for the East Valley as well, and said that perhaps in the future a uniform law will be adopted. He also thanked Staff for their efforts and very hard work.

ANDREW ORTIZ, 1203 W. 95th Street, Tempe, the Project Director for Arizona - Clearing the Air, said that although he is encouraged that a majority of restaurants in Chandler are about to become smoke free, he does not believe that the public health issue of second hand smoke has been dealt with responsibly by the City Council. He stated the opinion that it is important to protect workers and patrons of restaurants and work places and added that he is perplexed how cities like Chandler can justify exempting bars where the dangers of second hand smoke are the highest.

DANIEL MASON, 286 W. Palomino, Phoenix, spoke in favor of allowing people the ultimate choice of whether or not to frequent smoking establishments and stated the opinion that a total ban would negatively impact the economy and place hardships on the business in Chandler.

DENNIS ORTIZ, 3002 N. Arizona Avenue, commended the Council on the hard decision they have had to make and said that as an employee in an establishment that would be impacted, he is grateful for their courage. He added that from a health perspective, he can understand Councilmember Westbrook's opinion as well, but stated the opinion that the Council has made the right decision and a vote to adopt the ordinance will be a step in the right direction.

COUNCILMEMBER WESTBROOKS stated he wanted to clarify that his vote was not representative of his employer, Chandler Regional Hospital, but only because he is a life long resident of the community and feels he is being representative of the same.

RICH BANK, a Tempe resident and Chairman of Citizens for Fair Non Smoking Laws, stated he came before the Council two weeks ago and stated "let the majority rule, where the majority exists". He said in Tempe the numbers reflect that 75% of bar patrons are smokers and 75% of residents in the community are non-smokers and are restaurant patrons. He thanked Councilmember Bruno and the City Council for their support of this ordinance.

DERMOT WALSH, a Chandler resident, stated that this is why he came to the United States is to be allowed the ability to speak out and to make choices.

COUNCILMEMBER ANDERSON commented he was very proud of the Council's deliberations two weeks ago and the Committee's work over the past several months and stated he also agrees with Councilmember Westbrook's statement that standalone bars should have an exemption with no timeline. Councilmember Anderson stated he felt there is very little difference between standalone bars and an entirely separated restaurant accessory bar and the Council acted appropriately.

He added that he felt this ordinance was proposed by the citizen's for the citizen's of this community and allows for options for all. He continued to say that the amendment offered by the Mayor will allow for substantial review of operations and enforcement.

COUNCILMEMBER WESTBROOKS asked for clarification on the definitions of compliance questioned what Chandler would do on enforcement. He stated he felt that most of the ordinance is left up for interpretation and is ambiguous. He added he would like to see more clear definitions and would prefer to see restaurants with accessory bars included in the ordinance.

MAYOR DUNN stated that there have been comments made about Councilmember Bruno "cutting off" public debate at the last Council meeting with the introduction of her motion. However the Mayor reminded everyone that all public debate was heard at that meeting and it

has been his opinion that Councilmember Bruno has always been very receptive to public comment.

MAYOR DUNN stated that while he believes a significant step was made towards a healthier community, the City Council also recognized the consequences to businesses when government imposes regulations, and it was his belief that this ordinance is sensitive to those issues. The Mayor explained his amendment was to ensure the implementation, as it relates to accessory bars, will occur in a way that finds that true physical separation has occurred and will also allow the Council a chance to evaluate the issues again. He again recognized the importance and work of the committee.

COUNCILMEMBER WESTBROOKS agreed with Mayor Dunn's comments regarding Councilmember Bruno's commitment to the community.

COUNCILMEMBER BRUNO responded that she appreciates the comments of support and firmly believes the ordinance is in the best interest of the City.

When the vote was called, the MOTION CARRIED BY MAJORITY (6-1) with Councilmember Westbrook voting Nay.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that the annual budget briefings will be held Monday, May 12, 2003 beginning at 8:00 a.m. in the Council Chambers and invited all citizens to attend.

The Mayor said he and other members of the Council recently attended the Pioneer Luncheon. He thanked Edna Davis and all involved in holding the event. He announced the Pioneer Woman of the Year was presented to Bertha Vest and the Pioneer Man of the Year is C.C. "Pete" Fletcher.

The Mayor thanked M.R. Diaz and Nachie Marquez for the planning and coordination of the Cinco de Mayo event in downtown Chandler. He said it was great to see a fun-filled family event and also recognized Councilmember Wallace as being very involved in the event.

Mayor Dunn announced the recent rededication of Harris Park, formerly Elgin Park. The park was built in the 1960's and renovated in 1994. It is being renamed to honor a long time resident and businessman R.J. Harris.

In addition, he announced another park dedication is occurring on Saturday May 17th at 10 a.m. La Paloma Park is a 17 acre park in the Cooper Commons subdivision.

Mayor Dunn wished all mother's an enjoyable Mother's Day.

B. Councilmembers' Announcements:

COUNCILMEMBER CACCAMO complimented the Mayor on the conduct of the meeting and the comments he made regarding Councilmember Bruno.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 8:50 p.m.

ATTEST: _____
City Clerk MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 8th day of May, 2003. I further certify that the meeting was duly called and held and that a quorum was present.

City Clerk

MINUTES OF THE SPECIAL MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Monday, May 12, 2003 at 4:35 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

Also in attendance:

Pat McDermott	Acting City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk
Patricia Walker	Mgmt. Services Director

The City of Chandler is one of approximately 150 public entities which participates in the State of Arizona Local Government Investment Pool (LGIP). The LGIP had invested \$131 million in Triple A rated asset-back securities serviced by National Century Financial Enterprises (NCFE). NCFE has become insolvent, is in bankruptcy and under investigation. Chandler's portion of the \$131 million pool is \$14.8 million.

The Attorney General's Office believes their only client in this matter can be the State Treasurer's Office and that the other public entities must hire separate counsel if they want representation. .

The law firm selected by the public entities will provide legal counsel on a contingency basis. The initial signees to the Intergovernmental Agreement (IGA) have agreed that they will front the expenses to the litigation and that they will be reimbursed those expenses from revenues recovered in the litigation. Chandler's portion of the up-front expense incurred throughout the duration of the litigation is estimated to be \$80,000 to \$100,000.

MR. O'NEILL stated that Resolution No. 3643 authorizes an IGA with other public agencies for joint pursuit of legal remedies against the parties with liabilities related to the insolvency or bankruptcy of N.C.F.E. He said the purpose of the IGA would be for all the other public agencies to join together to retain legal counsel to represent the approximately 150 government entities in Arizona in order to recover funds frozen or set aside in the State Local Government Investment Pool due to the insolvency of NCFE.

MOTION BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER CACCAMO to approve Resolution No. 3643, authorizing an Intergovernmental Agreement with other public agencies for joint pursuit of legal remedies against the parties with liability related to the insolvency of National Century Financial Enterprises. MOTION CARRIED UNANIMOUSLY.

The meeting was adjourned at 4:38 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the City Council of Chandler, Arizona, held on the 12th day of May, 2003. I further certify that the meeting was duly called and held and that a quorum was present.

City Clerk

MINUTES OF THE SPECIAL MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Monday, May 19, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

Also in attendance:

Pat McDermott	Acting City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Nachie Marquez, Mark Eynatten, Chief Roxburgh, Patricia Walker, Dave Siegel, Doug Ballard, Garrett Newland, Acting Chief Neuman, Bryan Patterson.

PATRICIA WALKER, Management Services Director, stated a Budget Briefing was held for the Council on May 12, 2003. At that meeting, the entire budget was presented and certain amendments were also discussed. She stated since that time six amendments have been received and distributed to Council. Ms. Walker reminded them that all amendments must be approved prior to the adoption of the tentative budget that is scheduled for adoption on May 22, 2003. She stated the Council has available \$100,000 of on-going funds as well as 250,000 of one-time funds and 250,000 for reserve.

Ms. Walker stated one of the items includes various alternatives for the Family Advocacy Center which she will outline later.

PUBLIC HISTORY COORDINATOR POSITION

(Approved the request in an amount of \$66,694 in on-going funds)

MAYOR DUNN stated the first amendment is a request for a Public History Coordinator to be funded from on-going funds in the amount of \$66,694 and asked staff to make a presentation.

DAVE MCDOWELL, Asst. Community Services Director said the Council adopted the Public History Master Plan in 1999. He stated the Plan called for the hiring of a Public History Coordinator. The purpose of that position was to oversee the development of the museums and attractions, to promote civic identity and historic preservation and heritage tourism, to coordinate the implementation of the Public History Master Plan, and to coordinate the Historical Interpretive Marker Program in parks and public places. He stated the first marker had just been installed in Harris Park. He added the position would also oversee the agricultural history program and the efforts at Tumbleweed Park in the Ranch Area and serve as the liaison to the Museums Advisory

Board and the Historical Society and the Arizona Railway Museum. He added that members of the Museums Advisory Board and the Historical Society Museum were also in attendance tonight.

COUNCILMEMBER CACCAMO asked what type of qualifications would be solicited for the position.

MR. MCDOWELL stated that Dr. Stowe and Nancy Dallett have been working with the other members of the Historical Society on a job description, which would include an MBA in History, a degree in History, or related equivalency of experience.

COUNCILMEMBER ANDERSON asked if there would be administrative qualifications too.

MR. MCDOWELL responded that people skills would be highly sought as well as the administrative and public history background.

VICE MAYOR LOWELL HUGGINS said he believes this is the right timing to secure a permanent position.

COUNCILMEMBER WALLACE said she appreciated the amount of research that has occurred on this item and thanked the Mayor for bringing the item forth.

MAYOR DUNN stated he believes that the City is entering a time when there is a concern about preserving its history and stated the opinion the position would need to be a curator to insure the success of artifacts and the ability to coordinate the showing of the collection throughout the City.

MOVED BY MAYOR DUNN, SECONDED BY VICE MAYOR HUGGINS to approve an amendment to the budget to include the Public History Coordinator Position in the amount of \$66,694 from on-going funds.

MAYOR DUNN stated it was his understanding that the salary amount was in a range where staff felt they could attract candidates.

PATRICIA WALKER replied that this was her understanding and added the amount includes salary and benefits.

COUNCILMEMBER ANDERSON asked how the amount was arrived at.

MR. MCDOWELL stated that it is difficult to find comparisons to the position, as he believes Chandler is perhaps the first City to adopt a Public History Master Plan although staff did survey museum positions in other cities.

DR. NOEL STOWE, Department Chair for the History Department at ASU, stated he felt the range of salary was competitive and even had an inquiry today regarding the potential position.

MR. JERRY BROOKS, former Mayor, said that over the past 20 years Chandler has seen tremendous growth and he knows first hand how easy it is to make decisions on tangible items such as streets and public facilities but, in his opinion, believes that in addition to those items, the cultural and historical aspects make the city complete.

MAYOR DUNN said it was nice to see three former Mayors Thomas, Patterson and Brooks involved with the Historical Society.

COUNCILMEMBER WESTBROOKS stated it was important for the responsibilities to include researching the culture and diversity that has helped form Chandler. He stated that some of that history may have not been mentioned in historical context and believes that some will be hard to capture since there might not be any family or friends around that have preserved the photos, letters and other types of historical documents.

When the vote was taken, the MOTION CARRIED UNANIMOUSLY (7-0)

SENIOR MEALS PROGRAM

(Approved the request in the amount of \$22,000 in on-going funds)

MR. MARK EYNATTEN, Community Services Director said this item was a request for \$22,000 in on-going funds to assist the Senior Meals Program which is administered by Community Services of Arizona (CSA). He stated in FY2001-02, 15,617 congregate meals were served in the Senior Center along with another 11,291 home delivered meals. He commented that this year the estimates were 15,552 congregate meals and 11,600 home delivered meals. He added that although this year's request is lower than last year's of \$23,500, it is being requested of on-going funds. He stated in speaking with Sam Cioffi of CSA, they are in a situation where without the funding, either staffing levels or the service level would have to decrease.

COUNCILMEMBER WALLACE says she appreciates Councilmember Bruno bringing this item forward. She stated she supports the request as the program serves a consistent segment of the community and involves many volunteers each day to make the program a success. She commented that the City could not provide this program as efficiently as Community Services of Arizona has.

COUNCILMEMBER BRUNO stated that it was her recollection that there was a hope these could be placed either in on-going funds or CSA could secure other permanent funding, which hasn't been the case. She believes this is a small amount in comparison to the service they provide to the community.

MOTION MADE BY COUNCILMEMBER BRUNO, SECONDED BY COUNCILMEMBER WALLACE to amend the budget to include \$22,000 in on-going funds to the Senior Meals Program.

COUNCILMEMBER WALLACE added that the Town of Gilbert had originally selected the program for funding cuts, but realized how important this program is to the community and in light of the budget deficit, was able to approve the funding.

MOTION CARRIED UNANIMOUSLY (7-0).

MAYOR DUNN stated that completed the on-going requests which now leave a balance of \$11,306.

SPECIAL EVENTS FUNDING

(Approved \$30,000 of one-time funds for Special Events Funding)

MARK EYNATTEN stated last year \$30,000 in one-time funding was approved to assist with a variety of special events in the community by not-for-profit groups. Part of the direction was to

create a process by which those funds would be distributed and that process was approved by Council in January 2003. As a result, seven events were funded for a total amount of \$21,604. The request for \$30,000 takes in the fact that the monies from last year did not begin to be allocated until January and he believes there are groups that will come forth that will have events in the fall.

COUNCILMEMBER BRUNO asked if the \$9,000 left from FY2002-03 carried forward to next year's budget. MR. EYNATTEN replied it did not.

MAYOR DUNN asked if Mr. Eynatten could display the chart which shows the actual funding as well as the in-kind services the City provides. Mayor Dunn stated he has a concern that \$30,000 would not be sufficient and asked staff their opinion.

MR. EYNATTEN stated he believes the funds will adequately match the interest that has been shown so far, but staff will evaluate the program again after the full year. He commented there was a total of \$68,177 of in-kind services provided by the City. In addition, there were three areas of funding that were provided: \$21,604 of Special Events Funds; \$9,500 of Diversity funds and \$250 in Economic Development Funds which combined, amount to over \$95,000 in support.

MAYOR DUNN said that this is also in addition to the support of the private funding and sponsorships for the events.

MOTION BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER WESTBROOKS to amend the budget to include \$30,000 in one-time funds for the Special Events Fund. MOTION CARRIED UNANIMOUSLY (7-0).

JAZZ FESTIVAL

(Approved \$30,000 of one-time funds for the Jazz Festival with the expectation of those funds to be repaid.)

MR. EYNATTEN said the Council funded \$30,000 last year for the Jazz Festival with the requirement that it would only be used as seed money for entertainment and marketing to assist the event organizers to book the entertainers early. A requirement was also added that the funds be reimbursed. He reported that this year's the events budget was \$20,668 and the organizers returned more money than they used, for a positive balance of \$300. He stated that much credit goes to Bart Salzman and the organizers in raising those dollars.

Mr. Eynatten reported that staff is again asking for the same amount of funding, however, Mr. Salzman is also present to propose a different recommendation.

MR. BART SALZMAN said he appreciates the opportunity to address the Council and reviewed the marketing and advertising material that was used for the most recent Jazz Festival. He stated a very successful event was held over a three-day period in which they estimated 7,000 attendance. He thanked Tyrone Allen, City Special Events Coordinator, for his tremendous assistance. He stated the San Marcos Resort reported 35 room nights filled and described the food and beverage sales being excellent along with other favorable reports from downtown merchants that participated. He stated preliminary work has begun on next year's event with Wells Fargo committing as a major sponsor.

He said he believes there is tremendous opportunity to expand the event and suggested National advertising be done for next year. He reported that one challenge was the sun and suggested a

canopy be placed over part of the park area to allow for greater seating without worrying about the effects of the weather. He also suggested expansion of the Mardi Gras theme parade that he believed could be accomplished with minimal expense along with the expansion of the musicians based on feedback received from attendees.

MR. SALZMAN said it was his hope to make it a permanent event and suggested that an item be placed in that the festival committee budget to pay on a contract basis some of the event coordinators. It is his belief that as the event grows, it will need a paid promoter. He would hope to see in the future a 7-10 day event.

He estimated that it would take \$50,000 to implement the items as he described and mentioned the difficulty in finding major sponsors. He suggested that the City allocate the \$30,000 with \$15,000 of that being a cash contribution from the City. Any excess over \$30,000 would be backed by contracts and/or cash deposits into the festival account. He added the request that the festival committee, which would include a representative of the City, would have full authority to use and allocate the funds to conduct the festival in the downtown area. He felt the requirement from last year which only allowed the funds to be allocated to entertainment proved to be challenging.

COUNCILMEMBER WALLACE complimented Mr. Salzman on the festival and stated her concern is the suggested \$15,000 cash contribution and how that would affect the fairness in handling other requests from festivals that are held downtown.

MR. SALZMAN said he would like to clarify that he is in partnership with the City on this event as it is his belief that this is the City's event. Other event sponsors are doing this for profit.

COUNCILMEMBER BRUNO said she too thinks the event is very successful. She questioned the legality of using the money, as suggested, to pay the coordinators and what the city's liability would be.

MR. O'NEILL stated that there would be liability depending on how the event is represented. He said the "partnership" is not a partnership in the legal sense and that would need to be clarified. He also believes that Mr. Salzman has indicated that he didn't want the City's involvement in how the money is distributed, therefore the City wouldn't want it expressed as a partnership but if we did we would want to play a role in how that money was distributed and accounted for.

MR. SALZMAN said he didn't see any difference in paying others on a contract basis since he is already paying persons for sound, musicians and others and that the City is currently administering the contracts now since they are doing the financial management.

MAYOR DUNN stated he believes the concern comes in with paying contract staff to run the event that has been primarily run by volunteers. MAYOR DUNN asked what is the anticipated contribution from Wells Fargo. MR. SALZMAN replied \$15,000.

MAYOR DUNN said that the intent of the funding from last year was to provide seed money to make it easier to get the commitments and clarified the difference now would be to allocate \$15,000 this year as a cash contribution. He stated he potential legal concerns in paying someone to promote the event.

MR. O'NEILL stated that he also has concerns with the request of having a committee that includes a staff member, that appears to be able to vote themselves a salary and from a City

standpoint, that would present a conflict of interest. He stated that if it were the desire to look at providing professional services to organize the event, he would like the opportunity to look at the process and see if a bid or request for proposal is necessary.

MAYOR DUNN stated he felt that this was the purpose of the City's Event Coordinator in being able to provide assistance in an in-kind basis with events.

MR. SALZMAN said the policy the committee used when securing services, was the City's purchasing policy.

In response to a question from the Mayor, RICH DLUGAS, Asst. City Manager, stated that for the past couple of years, the City has acted as a fiscal agent for the event as the depository for the revenues as they came in and there has been a line item for Jazz Fest expenditures and the expenditures have come from that line item so that expenditures could be tracked to ensure proper revenues. In addition, the City worked with Mr. Salzman to ensure any expenditure over a certain dollar amount had quotes before entering into an agreement with the contractor.

COUNCILMEMBER WESTBROOKS stated it was his opinion that staff is recommending the same allocation as last year with the request that the funds be reimbursed up to \$30,000 and Mr. Salzman is asking \$15,000 of the \$30,000 be considered a cash contribution. However, he added he didn't feel the purchasing process that is currently being followed would change. He stated with the comments he has received in addition to attending the event, he does see the value of the event.

COUNCILMEMBER BRUNO stated that although she is very comfortable with Mr. Salzman and his efforts in providing this event, her concern comes from the City's involvement in running events and paying for events and is uncomfortable with the City signing any contracts with the events.

MAYOR DUNN asked if Mr. Salzman if he had considered forming a non-profit organization to sponsor this event.

MR. SALZMAN replied that Jazz in Arizona, a non-profit organization, was considered however, they do not have paid staff members or an office and he didn't feel that it would work. He stated the opinion that it is important to have City involvement for this event to continue in the future. He stated he would accept \$30,000 with \$15,000 payback with no paid committee members, but he didn't feel that it would survive long term without a permanent solution.

MAYOR DUNN said he felt that the Council did do something extremely unique last year and felt that the City could potentially avoid some of the legal concerns stated by the City Attorney if under City control.

CITY ATTORNEY O'NEILL said he felt the City was "in the middle" in being that there was not a private entity putting the event on, but yet it was not a City event. He said he believed it evolved that way due to the amount of money the City put forward for the event and the City's concern on how the money would be spent. He added the proposed structure would pose a conflict with the committee members in dispersing City funds with the discussion of paying themselves.

COUNCILMEMBER WALLACE stated she did support the funding last year because she does realize that it takes lead time to book events and to raise sponsorships and believes that it did work successfully.

MAYOR DUNN asked if the Staff recommendation for funding was approved by the City Attorney. MR. O'NEILL replied yes.

COUNCILMEMBER WESTBROOKS asked if this festival was eligible for special events funding. He stated that the City does fund certain special events, even though he understands they are non-profit organizations, and this is a very successful event, but yet they have to reimburse their funds.

MAYOR DUNN said that was the purpose of him suggesting they obtain a non-profit status to allow eligibility for the additional funding. He stated that the Cinco de Mayo event is also a very successful event in downtown and that he would expect those types of organizations to also want the opportunity to be funded the same.

COUNCILMEMBER BRUNO commented she knew that the DCCP (Downtown Chandler Community Partnership) has contributed monies towards the Jazz Festival and would suggest that he meet with the DCCP to discuss funding the event.

COUNCILMEMBER WALLACE said there are other additional in-kind services too (Police, Fire) She stated she was aware that the Cinco de Mayo festival draws people from out of state and any funds that they make go back to scholarships for high school seniors and are put back into the community.

COUNCILMEMBER WESTBROOKS stated there are many events that capture the diversity and cultural history in Chandler, and said he also felt the same way about the Jazz Fest.

MAYOR DUNN stated that before this issue comes before the Council next year, he would ask staff to present this issue before a Council Committee and also asked staff to work with Mr. Salzman in making some recommendations on how the funding may be dealt with.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER BRUNO to amend the budget to include one-time funds in the amount of \$30,000 for the Jazz Festival with the expectation of those funds to be repaid. MOTION CARRIED UNANIMOUSLY (7-0).

CHANDLER COMMUNITY ACTION PROGRAM

(Approved \$31,500 of one-time funds for the Chandler Community Action Program)

MR. EYNATTEN stated this request was from Chandler Community Action Program through Community Services of Arizona for \$31,500 in one-time funds. Last year's allocation was \$42,201. These funds are used 60% for direct assistance (rental payments, prescriptions, utilities) and the other 40% goes to the caseworkers for further assistance.

COUNCILMEMBER BRUNO said it was her understanding that we were also encouraging them to find funding elsewhere, but she understands that they are finding difficulty in doing so. MR. EYNATTEN stated that was correct.

MOTION BY COUNCILMEMBER BRUNO, SECONDED BY COUNCILMEMBER CACCAMO to amend the budget to include \$41,500 of one-time funds to Chandler Community Action Program.

COUNCILMEMBER WESTBROOKS asked if CAP was a 501(c)(3) organization. MR. EYNATTEN replied yes.

MOTION CARRIED UNANIMOUSLY (7-0)

FAMILY ADVOCACY CENTER (FAC)

(Approved funding for the Family Advocacy Center, as outlined as Alternative 1 and to include funding for shower facilities (\$5,000) for a total amount of \$252,800 and \$10,000 from on-going funds.)

The Mayor stated this request was for one-time as well as on-going funds.

PATRICIA WALKER reported that over the last few weeks, Brian Bosshardt, Mayor and Council Assistant, put together a committee that consisted of Sharon Joyce, Karen Drake, Dean Schifferer, Patrick Tyrrell and herself to research temporary and permanent funding options for the Family Advocacy Center. She said the following assumptions would be made: Existing staff would be used which included a Police Sergeant, Detective, Administrative Specialist and a Police/Fire Victim Advocate; the services of Child Protective Services, Adult Protective Services and other partner agencies identified in the original FAC report would be needed; and the need for a forensic pediatrician and the cost for medical equipment in the cost of approximately \$80,000 to be funded by VOCA (Victims of Crimes) grants or the medical community. The group came up with four temporary and three permanent alternatives and as of Friday, two revised alternatives.

COUNCILMEMBER WESTBROOKS thanked staff for their research. He stated that this concept had been in the works for over a year and last year the Council decided to put together a committee to research the feasibility of a Family Advocacy Center. He stated he believes the statistics strongly show a need for the facility in Chandler. He reported that 2.5 domestic violence incidents occur daily in Chandler, in 2001-02 there were 2,911 domestic violence calls; 1,226 reports were written by public safety officers and 917 arrests were made which averages out to 2.5 arrest per day. He stated the breakdown lists 312 sex crimes, 320 orders of protection, 120 child forensic interviews, and 282 child abuse/neglect cases. He asked that a video be shown which shows a news report regarding Family Advocacy Centers in the valley. After the video was shown, Councilmember Westbrook stated that this shows how important and what a difference it makes when reporting a domestic violence incident.

COUNCILMEMBER BRUNO asked if the true cost was really being allocated in on-going monies as in the case of Alternative 1 in stating the assumptions for operating & maintenance costs for the modulars.

MS. WALKER responded that the operating and maintenance expense for the modulars, based on square footage, would be \$24,000 for the 6,000 square feet. She explained however that this is not a new cost as it is already in the budget but it would be considered in the overall cost of the facility.

COUNCILMEMBER WALLACE asked where the people occupying the modular would move to and what the cost was.

MS. WALKER stated those costs were included in the alternative estimates and reminded the Council that the information was obtained fairly quickly and all costs presented are "best estimates" and renovation costs could include unforeseen situations.

MAYOR DUNN said he also appreciated the work of staff as well as Councilmember Westbrooks. He clarified that the goal is to get the facility operational as soon as possible although a more permanent solution will need to be found later. He stated that the City has been providing these services through various departments, but believes it has been shown that by bringing these services together we can provide improved service.

COUNCILMEMBER WALLACE stated that one thing that has become evident is that the services of a forensic nurse (pediatrician) is difficult to obtain and asked if any further research has been done to locate these professional resources.

MS. WALKER replied that there are approximately 3.5 forensic pediatricians in the valley, and the availability would have to be addressed. She stated it was her understanding that this position was not funded by grant money, but by Maricopa County.

COUNCILMEMBER WESTBROOKS said that they have been working on that issue and that although it would be a challenge, it would not prohibit the FAC from opening. The process would be a culmination of all of the services provided and will greatly benefit the victim. He stated that he has begun researching the issue and one of the options being explored is using a nurse certified as a forensic specialist. He added they are speaking to the health agencies that provide this type of criteria and reviewing any laws that would preclude the use of the certified nurse. In addition, he stated they are also looking at their own physician network and believes there is a forensic pediatrician that is contracting with the hospital that they can approach to possibly be part of the pool of resources. He stated he has reviewed the list of assumptions and he does not believe they would preclude us from moving forward.

MAYOR DUNN stated while his experience is more on representing the legal side, he understands that there are some individuals that are allowed to be experts in the court room to give testimony. He suggested this issue be addressed by the court or the state bar to allow a certified nurse to do this. He stated that Councilmember Westbrooks is a major attribute by not only being involved with the MAG committee, but also being appointed to Governor's Committee.

COUNCILMEMBER BRUNO asked that if this was approved on a temporary basis, then how it would be moved to capital and asked if we would be able to absorb this into the budget.

MS. WALKER replied that the Council would need to consider this with the other priorities as it goes through the budget process and added that one thing they added in with the permanent facilities is the addition of staff. She stated there would be a need to add a Lieutenant and two Administrative Specialists to the ongoing costs. Bond funds and grants could be considered for the capital side.

COUNCILMEMBER BRUNO commented that if a bond election was held in 2004, these are some of the types of issues the bond committee would need to have discussions on.

PATRICIA WALKER said she agreed that if a bond election was held in May 2004, these types of issues should be considered.

In response to a comment from COUNCILMEMBER WESTBROOKS, MS. WALKER clarified that it was her understanding that a Lieutenant would need to be added along with two Administrative Specialists.

BRIAN BOSSHARDT responded that the current staff could handle the temporary solution, however if permanent status were achieved then additional staff would need to be considered.

COUNCILMEMBER ANDERSON asked if the \$100,000 of renovations, as indicated in Alternative 1, would still be needed whether or not the FAC was located there.

MS. WALKER stated the \$100,000 was appropriated for renovation due to the fact that some city staff would need to be relocated to the warehouse so the appropriation would be \$247,800.

COUNCILMEMBER ANDERSON said that it appears that Alternative 1 would be at the least cost to the taxpayers. He commended Councilmember Westbrooks' passion and perseverance in getting this to this budget cycle and believes there is a clear need to proceed. He added he also felt the Council needs to be stewards of the taxpayer's dollars on this issue. He proceeded to review the costs for each alternative.

COUNCILMEMBER WALLACE expressed concern with the potential loss of renovation costs on Alternative 1.

PAT MCDEMOTT clarified that the \$100,000 renovation would be triggered by the Justice Court relocation. Some employees would move to the new Public Works facility and others would be relocated to the renovated warehouse space. However, if the Justice Court relocation didn't occur, then the monies would not be spent on that.

MS. WALKER clarified the amount used to renovate the modulares would be \$10,000 with \$262,800 allocated for renovation costs at the warehouse building.

COUNCILMEMBER CACCAMO stated \$192,000 would be lost on Alternative 3 because of lease monies.

In response to question from the Mayor, PAT MCDERMOTT stated currently, GIS, Risk Management and Real Estate are leasing space in the Rocky Mountain Building but it is not the intent to use it long term.

COUNCILMEMBER WESTBROOKS asked if Alternative 1 was dependant on other staff moving to another location.

MS. WALKER said that this would be dependant on the warehouse staff moving to the new facility on McQueen Road and the modular staff would move to the warehouse and the FAC could move to the modulares. The FAC would tentatively open in July 2004.

COUNCILMEMBER WESTBROOKS expressed his concern with this option due to the timeline on the FAC opening and being dependant on other moves. He stated his recommendation would be Revised Alternative 1 to provide the service sooner. He added it would also present the possibility of placing an item on a bond election to receive the capital funding for it and would also give time to assess the effectiveness of the FAC by the time the bond election came around.

In response to Councilmember Bruno, COUNCILMEMBER WESTBROOKS stated the difference between Temporary Alternative 1 and Revised Alternative 1 would allow the FAC to be operational before the end of the year and allows a longer opportunity for assessment.

COUNCILMEMBER BRUNO stated that for those same reasons she believes that Temporary Alternative 1 would be the best to allow for discussion and opportunities to work out the details for a more permanent status.

COUNCILMEMBER ANDERSON said it was exciting to see discussions being about "if" and not "when". He stated one difference he sees between revised Temporary Alternative 1 and Temporary Alternative 1 is the revised one shows a lease situation which is not so much an investment as moving in to a City owned facility and retaining value. He understands that it is a few valuable months, but the services, however not as convenient, are still available. He asked Bryan Patterson about the move timelines.

MR. PATTERSON commented there were always uncertainties in renovation but pointed out that with new contracting methods being available (Construction Manager at Risk and Design Build) that could speed up the construction process, but believes the timeline estimate is accurate.

COUNCILMEMBER ANDERSON said it would be a savings to the taxpayers to go with the original alternative but in any case, commended Councilmember Westbrook and members of the staff for their dedication and work on this project.

COUNCILMEMBER WESTBROOKS thanked Councilmember Anderson for his comments and said it was truly a team effort. He stated he respectfully has to disagree in regards to the timing because it is his belief this is a public safety issue and the facility needs to be opened as quick as possible.

MAYOR DUNN asked what the timeline would be on Revised Temporary Alternative 1.

MS. WALKER replied it would be her estimate that the FAC could open by the end of the year using that alternative.

COUNCILMEMBER WALLACE asked for clarification on the start of renovation on Temporary Alternative 1. MR. MCDERMOTT stated that it is staff's opinion that renovation could start before July 2004.

COUNCILMEMBER WALLACE said she did want to state that almost \$200,000 of the \$250,000 one-time monies for the next year would be used for this and not be available for use. She expressed her concern, from a taxpayer's perspective, with spending \$192,000 for lease space and believes Temporary Alternative 1 would be a better decision.

COUNCILMEMBER WESTBROOKS stated in looking at the timeline he could potentially see where the timeline could be accelerated. He also stated the City already leases space in the Rocky Mountain Center (Chandler Office Center) and this could also give the persons in the modulars a better working environment.

MOVED BY COUNCILMEMBER ANDERSON, SECONDED BY VICE MAYOR HUGGINS to amend the budget to include funding for the Family Advocacy Center, as outlined as Alternative 1 and to include funding for shower facilities (\$5,000) for a total amount of \$252,800 and \$10,000 from on-going funds.

MS. WALKER stated that if it were to come out from one-time funds that \$155,700 in one-time funds would remain.

MR. KEITH PERKINS, Never Again Foundation located in Gilbert, stated that on Friday there would be a landmark law in effect that was passed unanimously by both the House and the Senate that will allow a very specific time frame window for victims of crimes that are served by the Family Advocacy Center's to be able to hold the persons committing the crime financially responsible for the crime. He stated that window is one year. He stated the longer it takes the FAC to become operational, the opportunity to hold the abuser financially accountable is lost and wanted to make the Council aware of that law and the economic impact to the citizens of the community.

COUNCILMEMBER WESTBROOKS stated he would not be supporting this particular motion because he believes time is of the essence and the \$50,000 that would be saved could be saved by having just one person serviced quicker as well as the legal aspects as stated to by Mr. Perkins. Mr. Westbrooks said he believes that the statistics would show the quicker a FAC is operational the better it is for the community. He added that discussions began over a year ago and he understood at the time the process and the resources that would be needed to be in place, however he could not support waiting an additional year.

COUNCILMEMBER WALLACE said it would be her hope that the process to start securing the resources would begin as soon as possible so that when the facility is complete, the services would be available.

MAYOR DUNN stated while he respect's Councilmember Westbrooks' decision, he feels the Council is making a very significant decision to proceed to providing a very significant service at a time when other cities are having tough economic choices.

When the vote was taken, MOTION CARRIED BY MAJORITY (6-1) with Councilmember Westbrooks voting nay.

2. SET AN EXECUTIVE SESSION

MAYOR DUNN stated that an Executive Session has been posted to follow the adjournment of the Special Meeting.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER BRUNO to set an executive session to follow this Special Meeting. MOTION CARRIED UNANIMOUSLY ON A VOICE VOTE (7-0).

Adjournment: The meeting was adjourned at approximately 9:45 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the City Council of Chandler, Arizona, held on the 19th day of May 2003. I further certify that the meeting was duly called and held and that a quorum was present.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, May 22, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD W. DUNN.

The following members answered roll call:

Boyd W. Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

Also in attendance:

Pat McDermott	Acting City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Nachie Marquez, Mark Eynatten, Chief Roxburgh, Michael Traynor, Pat Walker, Dave Siegel, Doug Ballard, Acting Chief Neuman, Dan Cook.

MAYOR DUNN stated that this evening they would be honoring both the military men and women in service in light of the upcoming Memorial Day holiday.

The Mayor also commented on the tie he was wearing and noted that it was a gift from a senior at El Dorado High School.

POSTING OF THE COLORS: The colors were presented by the members of the Hamilton High School Junior ROTC.

INVOCATION: The invocation was given by Reverend Richard Sisco - Koinonia Mennonite Church.

PLEDGE OF ALLEGIANCE: MAYOR DUNN led the Pledge of Allegiance.

SPECIAL MUSIC: KRISTEN SPOONER, Chandler High School student, sang God Bless America.

The Mayor thanked the members of Hamilton High School ROTC and Kristen Spooner for their participation in the meeting.

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognitions

Management Services Director PAT WALKER introduced JEAN DIETZ and congratulated her on her 25 years of dedicated service to the City of Chandler as a member of the Management Services Department. She stated that Jean joined the City in May of 1978 as an auditor and

noted that sales tax collections for that entire year totaled \$868,000. She pointed out that budgeted collections for the year 2003 are estimated to exceed \$55 million and more sales tax dollars are collected during one month than the entire year of 1978. She said that throughout the 25 years Jean has been with the City, she has been instrumental in many changes and improvements pertaining to the operations of the tax and licensing program. She added that particularly noteworthy is Jean's work on the original writing of the Model City Tax Code that was adopted in 1987. As a respected member of the Unified Audit Committee, Jean has continued to work on modifications to the Tax Code. She worked side by side with information technology in the design and implementation of a sales tax system in 1992 that helped increase sales tax collections, improve customer service and decrease delinquencies. She stated that now that it is time to replace that system, Jean's knowledge and expertise will once again be called upon to ensure that the City gets the best system and the best solution is arrived at. She noted that Jean earned her Bachelor of Science degree in Accounting from ASU in 1984, graduating with honors while working full time and raising a son on her own. She commented that Jean has been and continues to be an enormous asset to the City and thanked her for her contributions.

ACTING CHIEF DAVE NEUMAN, assisted by Lieutenant EDDIE UPSHAW, requested that the members of the Chandler Police Department Honor Guard escort Police Officer MANNY CHAVEZ forward. He stated that Officer Chavez began his career as a Patrol Officer in the Field Operations Division and after three years he was assigned to the position of undercover narcotic detective. After returning to the Patrol Division, he was assigned as the first Housing Authority Officer, working hand-in-hand with City Housing personnel. Later in his career, Manny worked as the business liaison officer, working with local businesses, assisting with crime prevention and suppression. Manny returned to the Patrol Division as a Patrol Officer prior to transferring to Community Services where he became a D.A.R.E. Officer. While serving in that capacity, he taught over 2,500 youths in our local schools and then became a School Resource Officer, teaching law-related education in Chandler middle schools. His next and current assignment was to the position of Fleet Officer where he currently manages the entire department fleet. He has been instrumental in the development of the Special Enforcement Team cars and D.U.I. specialty vehicles and in the implementation of in-car remote video systems in vehicles. He has also been charged with the responsibility of researching and coordinating the installation of the fuel tank bladders in Ford Crown Victoria vehicles and in the addition of the exterior fire panels as an additional safety feature for the cars. He is a dedicated loyal employee and an asset to the entire City of Chandler.

Director of Communications and Public Affairs NACHIE MARQUEZ congratulated Public Information Officer DAVE BIGOS on his ten years of dedicated service to the City of Chandler. She noted that his responsibilities include working with the media, radio, print and television reporters on a daily basis and noted that he is extremely committed to his position. She said that he makes sure that the department utilizes all available communication tools to educate both the public as well as City employees and works with virtually every City department to help "get the word out" about all the wonderful things that are happening in Chandler. He enjoys a strong working relationship with everyone he comes into contact with and his good, dry sense of humor comes in handy particularly when he is called upon to write the scripts for the many in-house videos that the Department produces as well as the "quips" that he provides on occasion to the media. The press really appreciates his hard work and follow through and recently he was commented on in the Ocotillo News. She stated that the City of Chandler is fortunate to have someone of Dave's caliber and credentials serving as a member of its Staff and Team Chandler and thanked him for all of his extensive efforts.

2. Presentation - American Legion Post #91 Blue Star Service Flag "Support the Troops"

MAYOR DUNN requested that KEN KRAUSE, Commander of American Legion Post #91 join him. Mr. Krause stated that as a Veteran and one of the City's employees, he is aware of the support that the City has consistently provided veterans in the National Guard and said that he believes that it is very fitting in view of the upcoming holiday and with great pleasure that he, on behalf of American Legion Post #91, present the City the Blue Star Banner Flag. He encouraged the Mayor to display the Flag wherever he wished, in the Council Chambers or another appropriate location, and thanked the Council for their ongoing support for Veterans and our troops.

3. Proclamation - Poppy Week

MAYOR DUNN requested that BETTY SMITH, Poppy Chair, MATHEW B. JUAN POST, American Legion Auxiliary and Ms. Poppy, JAZMIN BANILLA, join him at the podium as he read a proclamation in honor of Poppy Week. The Mayor stated that America is the land of freedom and preserved and protected willingly and freely by citizen soldiers and millions who have answered the call to arms have died in the field of battle. He said that a nation at war or at peace must be reminded of the price of war and the debt owed to those who have died in war. He noted that the red poppy has been designated as a symbol of sacrifice of lives in all wars and the American Legion Auxiliary has pledged to remind America annually of this debt through the distribution of the memorial flower. The Mayor said that it is his honor to proclaim May 20th through May 26th, 2003 Poppy Days in the City of Chandler.

MS. SMITH thanked the Mayor and Council for their ongoing support and recognition of this important event. She said it is her pleasure this evening to be able to introduce the President of Unit 35 of the American Legion Auxiliary, LUPE ISH.

4. Proclamation - Public Works Week

MAYOR DUNN requested that representatives from the Municipal Utilities and Public Works Departments join him as he read a proclamation in honor of Public Works Week. He stated that the City of Chandler is proud to recognize the many efforts of its Public Works and Municipal Utilities Department Staff and added that these important members of the City's team are responsible for ensuring the smooth operation of services to Chandler's 210,000 citizens as well as its business and industrial customers. He noted that the support of an outstanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewer, streets and solid waste collection. He commented that many employees of the City's Public Works and Municipal Utilities Departments are members of the American Public Works Association, a major sponsor of National Public Works Week. The Mayor announced that it is his honor to proclaim May 18th through 24th, 2003 Public Works Week in the City of Chandler.

5. Proclamation - Project S.A.F.E. (Safety Awareness Family Education)

MAYOR DUNN requested that WAYNE KAPLAN, representing the Arizona Multihousing Association, join him and accept on behalf of that organization a proclamation in honor of Project S.A.F.E., Safety Awareness Family Education. The Mayor stated that reports of drownings and other accidents and reports of missing children are increasing in Arizona and noted that the Arizona Multihousing Association and approximately 15 Chandler apartment communities that belong to that Association, have partnered with the American Red Cross, the nation's missing

children's' organization and the Center for Missing Adults as well as Farmers' Insurance. He said that their goal is to provide adults and children who live in the association member apartment properties and nearby neighborhoods with free family safety education training to prevent these traumatic incidents from occurring. He added that the instruction is also provided at swimming pools at a total of more than 150 associated member apartment communities across Arizona on selected weekend dates (between April 5th and June 1st, 2003 under the name Project S.A.F.E. (Safety Awareness Family Education). The Mayor said that it is his honor to congratulate the Arizona Multihousing Association and the approximately 15 apartment communities for sponsoring this important and worthwhile Project and encouraged all residents of Chandler to participate in this valuable life-saving training program. The Mayor added that it is his privilege and honor to declare the weeks between April 5th and June 1st, 2003 as Project S.A.F.E. days in Chandler.

6. Recognition of Chandler's State Sports Champions

MAYOR DUNN stated that they would now recognize a number of sports champions from Chandler High Schools. Present at the meeting this evening are representatives from three schools with a combined 8 State championships.

Hamilton High 5A Baseball Team. Coach Mike Woods. This is the first State title that has been earned in the School's history. The school ranked 10th going into the tournament and experienced several dramatic late-inning comebacks in the tournament. They had a 5-1 win over the top-ranked Horizon in the title game.

Valley Christian 2A Basketball Team. Coach Greg Haagsma. This is the second straight State title they have earned and the third straight Metro region title. They had a 58-29 win over Thatcher in the Championship game.

Valley Christian 2A Boys and Girls Track Team. Coach Dan Kyper. The girls win was an 8th straight State meet and they finished ahead of St. John's in the meet. The Boys won their third straight State meet and finished ahead of Tombstone in the meet. Shaun Smith set a school record in the 300 hurdles.

Seton High 3A Softball Team. Coach Jerry Mullen. This is the school's second straight title. The team had a 4-0 win over Tucson Sahuarita. Pitcher Sydney Sheedy threw a 2-hitter in the final. Just two years ago Seton jumped from 2A to 3A.

Seton High 3A Baseball Team. This was coach Ferrence's last game with Seton. They beat two-time defending champs Fountain Hills. Final game score was 11-5. Seton avenged last year's loss in title game to Fountain Hills.

Seton High 3A Soccer Team. Coach Daryl Chavez. The team won the State Winter Tournament and beat Phoenix County Day 5-2 in February. Sophomore Amanda Wessell scored three goals. Goalkeeper Aubrey McDonnell was back, just weeks from having surgery, adding inspiration to the team.

Seton High 3A Tennis Team. Coach Jennifer Morrison. The Assistant Coach, Bruce Morrison, is here in her absence. They beat Sahuarita 5 to 4 in the finals. Seton beat Safford on the way to the finals as well.

Seton High 3A Cheer Squad. Coach Evie Chavez. Cheer squad won Winter overall meet. They also won 1st place in Pom, Show Cheer, Performance Cheer and Mascot.

7. Pat Blackburn, Concrete Bike Park Alliance - Issues with Bikes at Snedigar Sportsplex

PAT BLACKBURN, a resident of Chandler, cycling coach and representative of the Concrete Bike Alliance, expressed concerns relative to the fact that it is illegal to ride bikes at the Snedigar Sportsplex. He stated that he himself has trained four world champions in cycling and can vouch that many of the youths and emphasized that the youths are definitely not criminals and have worked very hard in the sport of cycling to remain out of trouble. He added that their bicycles have allowed them to do exactly what the D.A.R.E. program encourages youths to do, namely become involved, and requested that the park be deregulated and that the youths be allowed to ride their bicycles as soon as possible.

RICH DLUGAS advised that a meeting has been arranged between Mr. Blackburn and Staff to address and discuss the issue of the potential of allowing youths to ride bicycles within the Snedigar Sportsplex. He added that the issue of joint use, and allowing bicycle riding within a skatepark facility, will need to be addressed.

JASON RYAN, 7701 E. Osborne Road, Scottsdale, President of Bike, Blade and Board, an advocacy group for the interests of bike riders, skateboarders, and in-line skaters, said that he is speaking this evening at the request of Mr. Blackburn. He commented on the fact that his interest in BMX riding as a youth helped keep him out of trouble and provided him an interest to concentrate on. He said that this positive sport also taught him how to accomplish personal goals and stay in good physical condition. He also informed the Council that after 17 years of riding, he received the first criminal charge of his life, criminal trespassing, for riding his bike in the Chandler Skatepark at the Snedigar Sportsplex. He commented on the fact that there are no differences between the parks where BMX riders ride and parks where skateboarders ride.

MR. RYAN advised that Showlow opened its first skatepark a month ago and they welcomed bike riders as well and added that Albuquerque, New Mexico has a park that was designed by the same person who designed the skatepark at Snedigar. He noted that they have allowed bikes to utilize that facility since its opening. He reported that his research has revealed that there are 128 public concrete parks in the United States that allow bikes and said that although many of them did not initially allow the bikes, once the members of the various City Councils saw that a need existed for BMX bike riding, the bans were lifted. He noted that bikeriders' tax dollars are used to fund those parks and spoke about the unfairness that exists in this particular situation. He urged the Council to pursue this matter and allow bikeriders and skateboard riders alike to utilize the facilities and enjoy their sports at these facilities.

In response to a question from Vice Mayor Huggins, Mr. Ryan advised that bike riders do not have any specific needs and the surfaces at the parks would be an ideal location for that sport to take place.

MAYOR DUNN indicated that Staff will pursue this matter and thanked Mr. Blackburn and Mr. Ryan for bringing the issue to their attention.

DAVID TAYLOR, a resident of Chandler, stated the opinion that the Snedigar Sportsplex is the best facility in the State and also requested that the ban be lifted to allow other uses to occur.

UNSCHEDULED PUBLIC APPEARANCES:

There were no unscheduled public appearances.

CONSENT:

MAYOR DUNN noted that a request has been received to continue Agenda Item #35 to the June 12, 2003 Regular Council Meeting.

City Attorney DENNIS O'NEILL commented on Agenda Item #12 (Gila River Indian Community Water Rights Settlement Agreement) and stated that this item represents a special milestone for the City of Chandler and Chandler's friend and neighbor, the Gila River Indian Community. He noted that this agreement has been years in the making and recognized Cynthia Haglin and Karen Barfoot for their extensive efforts to bring this agreement forward.

MAYOR DUNN agreed with the comments presented by Mr. O'Neill and also expressed his appreciation to Staff for their hard work to bring this successful conclusion forward.

MOVED BY VICE MAYOR HUGGINS, seconded by COUNCILMEMBER WALLCE, to approve the Consent Agenda as presented, with Agenda Item #35 (Use Permit Extension UP03-0014) continued to the June 12, 2003 meeting. MOTION CARRIED UNANIMOUSLY (7 to 0).

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Special Meetings of May 5th and May 12 (two meetings) and the Chandler City Council Meeting of May 8, 2003.

2. CODE AMENDMENT: Privilege Tax License Fees Ordinance #3440

ADOPTED Ordinance No. 3440, amending Chapter 62, Section 62-310 of the City Code, increasing the annual privilege tax license fee from ten dollars (\$10.00) to twenty-five dollars (\$25.00), as recommended by Staff.

3. CODE AMENDMENT: Special Regulatory Permit Requirements & Fees Ord. #3442

ADOPTED Ordinance No. 3442, amending Chapters 15, 17, 18 and 20 of the City Code relating to special regulatory permit requirements and fees, as recommended by Staff.

4. DEVELOPMENT PLAN: Monza Spec Building Ordinance #3452

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3452, rezoning from Planned Area Development (PAD) to Planned Industrial District (I-1)/PAD Overlay, along with a Preliminary Development Plan (PDP) for a 9,000 square-foot office building on a .87-acre site located at 325 N. Austin Drive, Lot 73 (Southpark Business Center). Applicant: Lindquist Architects, David W. Lindquist, AIA.

5. DEVELOPMENT PLAN: Qwest Switching Facility Ordinance #3453

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3453, rezoning from Community Commercial (C-2) to Planned Area Development (PAD) for a communications switching facility and commercial development along with a Preliminary Development Plan (PDP) for a Qwest

facility expansion on approximately 1.2 acres located on the SEC of Chandler Boulevard and Oregon Street. (Developer: Jordan Rose - Jordan Bischoff McGuire & Rose, PLC.)

6. DEVELOPMENT PLAN: 84 Lumber Company

Ordinance #3455

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3455 (DVR02-0025 Willis Industrial Center), rezoning from Country Rural-43 to Initial City Zoning PAD Conceptual for I-1 industrial uses on approximately 33 acres located at 11539 E. Willis Road (SEC of Willis Road and the Union Pacific Railroad), with a Preliminary Development Plan (PDP) for a building materials supply company located on approximately 20 acres of the 33-acre parcel. (Applicant: Whitneybell Architects, Inc.) The General Plan designates this parcel as Employment for major employers, industrial/business parks and industrial support uses. The site is located within the Airpark Area Plan and the Santan Freeway Corridor Area Plan confines, which designate the site as Light Industrial for manufacturing, warehousing and distribution, back office space, and high tech uses. The proposed conceptual PAD zoning for I-1 uses is consistent with the General Plan and Area Plans.

The request was noticed according to the provisions of the City of Chandler Zoning Code. A neighborhood meeting was held on April 8, 2003 at the Chandler Community Center and was attended by four citizens. No objections were raised by the residents and to date Staff has not received any phone calls or letters of objection from residents opposed to the proposal. Staff and the members of the Planning Commission, upon finding consistency with the General Plan, Airpark Area Plan and Santan Freeway Corridor Plan, recommended approval subject to the conditions listed in the ordinance.

7. ANNEXATION: SEC of Willis Road & the Union Pacific Railroad

Ordinance #3447

ADOPTED Ordinance No. 3447, the annexation of approximately 33 acres of land located at the SEC of Willis Road and the Union Pacific Railroad.

8. EASEMENT/SRP: Irrigation Pipeline/NEC Rural Rd. & Chandler Blvd. Ordinance #3438

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3438, granting a no-cost irrigation easement to Salt River Project (SRP) for an irrigation pipeline at the NEC of Rural Road and Chandler Boulevard, as recommended by Staff. In November 2002, the City requested that SRP replace an existing open ditch facility with a concrete pipeline along the east side of Rural Road, north of Chandler Boulevard. This irrigation pipeline will allow for driveway crossings in conjunction with the Biagio development. The no-cost irrigation easement measures 780-feet in length and is located in the outside 13-feet of the existing 55-foot right-of-way. SRP has provided documentation establishing prior rights for this irrigation facility and is not requesting an easement for pipeline replacement.

9. LEASE/FAA: Air Traffic Control Tower Radar Display System

Ordinance #3439

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3439, authorizing the City of Chandler to enter into a 20-year lease with the Federal Aviation Administration (FAA) for space required for the installation, operation and ongoing maintenance of the air traffic control tower radar display system, as recommended by Staff. The FAA informed the City of Chandler that a radar display system has been identified for installation in the Chandler Air Traffic Control Tower. The system is expected to be in operation by the end of July 2003 and includes an equipment rack in the communications room on the fourth floor of the tower and associated conduit and

cables connecting two flat screen monitors and keyboards in the tower cab. The system will be owned and operated by the FAA.

In order to allow the FAA radar display system to be installed in a non-federally owned facility, a lease between the FAA and the owner of the facility, the City of Chandler, is required. The lease will start on October 1, 2003 and continue for 20 years until September 30, 2023. This lease period coincides with the federal fiscal year. The City is currently performing minor improvements to the air traffic control tower. These improvements are required by FAA prior to the commissioning and use of the radar display system. The FAA will perform the installation, operation and ongoing maintenance of the radar display system in lieu of lease payments for the required space. The Airport Commission voted 6-0 to recommend approval of the lease.

10. CODE AMENDMENT: Domestic Violence Prevention Fee Ordinance #3454

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3454, amending Section 25-4 of Chapter 25 of the City Code, establishing a domestic violence prevention fee which will be assessed against those persons found guilty or placed on a deferred prosecution program for domestic violence.

11. ROAD DEDICATION: Right-of-Way/Dobson Rd. North of Ironwood Drive Reso. #3607

ADOPTED Resolution No. 3607, accepting the dedication of road right-of-way located on the east side of Dobson Road north of Ironwood Drive from the Chandler Unified School District Number 80, as recommended by Staff. On August 21, 1973, John J. Anderson, Jr. and Zola Andersen dedicated a 37.76-acre site to the School District known as John M. Andersen Elementary School and John M. Andersen, Jr. High School. The west boundary of the schools extend to the centerline of Dobson Road. The School District has agreed to dedicate the west 65 feet of their property for public right-of-way for Dobson Road.

12. AGREEMENT/GILA RIVER INDIAN COMMUNITY: Water Rights Settlement Reso. #3617

ADOPTED Resolution No. 3617, authorizing the Mayor, on behalf of the City of Chandler, to execute the Gila River Indian Community Water Rights Settlement Agreement and Exhibits, as recommended by Staff. The Gila River Indian Community's (GRIC's) reservation was established by an act of Congress in 1859 and was subsequently expanded in size several times. The reservation now comprises 372,000 acres. However, the Federal Government never quantified the amount of water to which the Community was entitled and the Community began legal battles as to its water rights in 1924. The exact quantity and nature of the Community's water rights have been litigated in the Gila River General Stream Adjudication for the last several years but no final ruling has been entered.

The Community is also involved in enforcement actions in U.S. District Court, regarding the Globe Equity Decree, which determined certain rights to water from Gila River. The Community's water rights claims potentially threaten the use of surface water and groundwater by many other water rights claimants and groundwater users within Arizona, including the City of Chandler. Final resolution of the Community's water rights will avoid years of prolonged uncertainty concerning the availability of water supplies and the related expense of litigation.

The Settlement Agreement, which is considered permanent, will become enforceable upon the occurrence of several events which are specified in the authorizing Arizona Water Settlement Act, which was introduced in Congress on February 25, 2003. The act provides for adjustments to the

Central Arizona Project and authorizes the Gila River Indian Community water rights settlement. Although Council is not being asked to approve any expenditure of funds at this time, there are costs associated with this Agreement. A number of the expenditures have already been approved by the Council and additional expenditures will need Council approval once actual bid prices have been determined. A negotiated Settlement of the water rights claims of the Gila River Indian Community also avoids future court litigation costs. The cost savings cannot be estimated, but Staff anticipates that without a settlement, litigation costs would be substantial.

13. BOND SALE: General Obligation Bonds, Series 2003 Resolution #3636

ADOPTED Resolution No. 3636, ordering the May 22, 2003 sale of \$21,375,000 General Obligation Bonds, Series 2003, as recommended by Staff and recommended/prepared by the bond counsel firm of Gust Rosenfeld. Capital projects scheduled for the upcoming fiscal year require the sale of voter authorized general obligation bonds to provide funding for projects listed in the 2003-2008 Capital Improvement Program. Project areas include parks, stormwater, public safety/fire and streets.

14. BOND ISSUANCE/SALES: G. O. Refunding Bonds, Series 2002 Resolution #3627
Water & Sewer Revenue Refunding Bonds, Series 2003 Resolution #3634

APPROVED THE EMERGENCY ADOPTION of Resolution No. 3627, authorizing and providing for the issuance and sale of not to exceed \$20,000,000 City of Chandler, Arizona, General Obligation (G.O.) Refunding Bonds, Series 2002; and the EMERGENCY ADOPTION of Resolution No. 3634, authorizing and providing for the issuance and sale of not to exceed \$19,280,000 City of Chandler, Arizona, Water and Sewer Revenue Refunding Bonds, Series 2003, as recommended by Staff and recommended/prepared by the City's bond counsel firm of Gust Rosenfeld.

\$16,265,000 of General Obligation Bonds was sold at a true interest cost of 3.38% netting a present value savings of \$1.14 million. \$17,830,000 of Water and Sewer Revenue Refunding Bonds was sold netting \$927,928 present value savings at 3.48% true interest cost.

15. BOND SALE: Water and Sewer Revenue Bonds, Series 2003 Resolution #3628

ADOPTED Resolution No. 3628, authorizing the May 22, 2003 sale of \$10,000,000 Water and Sewer Revenue Bonds as recommended by Staff and prepared by the City's bond counsel firm of Gust Rosenfeld. Capital projects scheduled for this fiscal year require the sale of approximately 10,000,000 of voter authorized water and sewer revenue bonds to provide funding for projects listed in the 2003-2008 Capital Improvement Program.

16. BOND SALE: Street and Highway User Revenue Bonds, Series 2003 Resolution #3629

ADOPTED Resolution No. 3629, authorizing the May 22, 2003 sale of \$5,000,000 Street and Highway User Revenue Bonds, Series 2003, as recommended by Staff and recommended/prepared by the City's bond counsel firm of Gust Rosenfeld. Scheduled projects require the sale in order to provide funding for projects listed in the 2003-2008 Capital Improvement Program.

17. MASTER DEVELOPER AGREEMENT: Desert Viking Downtown Ventures Reso. #3644
Redevelopment of Sites 1, 2 & 3

ADOPTED Resolution No. 3644, authorizing a Master Developer Agreement between the City of Chandler and Desert Viking Downtown Ventures, L.L.C. The City of Chandler issued a Request for Proposals in 2001 for the redevelopment of approximately three (3) blocks in the downtown area. The three blocks are identified as Sites 1, 2 and 3 in the Visioning Report for the Redevelopment of Chandler City Center by Taliesin Architects completed in 1998. The Vision Report identified key sites for Historic Downtown Chandler's redevelopment. The City received two proposals for the sites and attempted to negotiate with one developer for more than a year to reach an agreement for the redevelopment of the sites. An agreement was not reached and negotiations between the City and Developer ceased.

Desert Viking Downtown Ventures, L.L.C. also responded to the Request for Proposals and has been a key developer for the restoration, redevelopment and recruitment of many recent projects in Historic Downtown Chandler. As the Master Developer, Desert Viking will design a Conceptual Development Plan for Sites 1, 2 and 3 within four months of the signing of the Master Developer Agreement. The developer will work with City Staff in designing the conceptual plan. Staff is recommending that an amount not to exceed \$48,000 be reimbursable to Desert Viking for documented expenses to develop the plan.

Desert Viking will then be responsible for bringing development projects forward to the City that will create quality redevelopment to the sites on a schedule that is outlined in the agreement. If Desert Viking is unable to bring forward the first project within approximately 16 months of execution of the Master Developer Agreement, the Agreement will expire.

18. IGA/MCDOT: Ray Rd. Improvements (Bullmoose Dr. to Dobson Rd.) Resolution #3636

ADOPTED Resolution No. 3636, authorizing an intergovernmental agreement with the Maricopa County Department of Transportation (MCDOT) for funding of improvements to Ray Road from Bullmoose Drive to Dobson Road in an amount of \$198,000, as recommended by Staff. This agreement covers the County funding contribution and will add a third traffic lane on westbound Ray Road from Bullmoose to Dobson Road; mill and overlay the two existing westbound lanes on Ray Road; and make water and wastewater improvements. The project is currently out to bid with a bid opening date of May 23, 2003.

Staff has actively pursued a County funding contribution for this project because approximately one-third of the frontage for the roadway improvements are along a County island. MCDOT recently agreed to the funding contribution payment to the City of \$198,000, an amount based on the County's share for only the roadway improvements. If the County island is developed in the future and annexed into the City, the City will attempt to acquire a contribution from the developer for the roadway improvements and repay Maricopa County for the grant. If the parcel is not annexed into the City or there is no contribution from the developer, no repayment is required. The Transportation Commission recommended approval by a vote of 4 to 0.

19. PRELIMINARY DEVELOPMENT PLAN: GATEWAY MARKETPLACE

APPROVED Preliminary Development Plan PDP02-0029, Gateway Marketplace, for a comprehensive sign package for a shopping center located on a 16.8-acre site at the NWC of Riggs and Gilbert Roads. Applicant: Ed Bull, Burch & Cracchiolo, P.A.; Developer: TriPlus Partners. The property was rezoned to PAD and received a Preliminary Development Plan

(PDP) for a shopping center in August 2002. Planning Commission stipulated that the sign package would require a separate PDP approval at that time. The center includes a Safeway grocery store, in-line retail shops, a sit-down restaurant, fast food building (McDonald's) and a 7-pump gas station with a kiosk.

The shopping center includes a total of five monument signs and one center identification sign. The monument signs consist of a 14-foot sign and a 6-foot sign along Gilbert Road and three 6-foot signs along Riggs Road. Three of the signs will be 6-feet high and one sign, located next to the main entrance on Gilbert Road, will be 14-feet high. The signs are designed to include materials and colors that match the building architecture. The Sign Code allows a maximum of two freestanding signs per arterial street frontage spaced at least 300-feet apart and the applicant has requested relief of this standard to allow three signs along Riggs Road, with two of the signs spaced 148-feet apart. Staff and the Planning Commission supports the relief due to the measures the applicant has taken to minimize the impact of those signs by incorporating two of the signs into the adjacent parking screens. The applicant also requested that he be allowed to include three tenant names on the 14-foot tall monument sign along with the "Gateway Marketplace" center identification. The Planning Commission also agreed to provide relief to the number of names on the 14-foot tall sign and Staff supports the Planning Commission's insight to allow relief of the standards based on the development's outstanding design.

Planning Commission and Staff, upon finding the request to be consistent with the General Plan and Southeast Chandler Area Plan, recommended approval subject to the following conditions,

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Sign Criteria-Gateway Marketplace" kept on file in the City of Chandler Planning Services Division in File No. PDP02-0029, except as modified by condition herein.
2. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
3. The 14-foot high monument sign shall be permitted to allow a maximum of three tenant names per sign face, with the other monument signs limited to two tenant names per sign face. Provide decorative panels on all unleased future tenant name areas of the sign.

20. PRELIMINARY DEVELOPMENT PLAN: Sun Groves Parcels 17 & 18 (Fulton Homes)

APPROVED a Preliminary Development Plan PDP02-0037 Sun Groves Parcels 17 & 18 (Fulton Homes) for housing products for 179 lots located on approximately 52 gross acres with the Sun Groves single-family residential subdivision, approximately one-half mile east of the NEC of Lindsay Road and Hunt Highway. (Applicant: Fulton Homes, Chris Harrison.) Parcels 17 and 18 are located in the southern half of the 643-acre Sun Groves subdivision. The property was rezoned from Agricultural (AG-1) to Planned Area Development (PAD) in March 1999. The land use, lot sizes, landscaping, street standards, setbacks, and subdivision diversity standards were addressed during the development's rezoning application along with the subdivision layout Preliminary Development Plan.

The housing products meet the required 9 architectural diversity elements and the minimum 7 optional elements. Planning Commission and Staff, upon finding consistency with the General Plan, recommended approval subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Sun Groves Parcels 17 & 18 - Preliminary Development Plan for Housing Products," kept on file in the City of Chandler Planning Services Division in File No. PDP02-0037, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 2943, case PL98-158 Sun Groves, except as modified by condition herein.
3. All homes built on corner lots within the residential subdivision shall be single story.
4. The same front elevation shall not be built side-by-side or directly across the street from one another.
5. No more than 50% of the homes adjacent to Hunt Highway, Doral Drive and Hillcrest Drive shall be two-story and no more than two two-story homes will be side-by-side along Doral Drive and Hillcrest Drive. For lots adjacent to an arterial Street (Hunt Highway), two-story homes are limited to every third lot.
6. When two-story homes are built on adjacent lots, a 20-foot separation shall be provided between homes.
7. No more than two adjacent lots shall have identical rear elevation rooflines visible from arterial streets.

21. PRELIMINARY DEVELOPMENT PLAN: Chandler Fashion Center Parcel D

APPROVED a Preliminary Development Plan PDP03-0013, Chandler Fashion Center Parcel D, for a 5.96-acre site with a 47,991 square foot retail building (Best Buy electronics retail store) for a commercial parcel as part of Chandler Fashion Center Mall located on the NWC of Price Freeway and Frye Road. (Applicant: Westcor) The PDP is for a periphery parcel at the Chandler Fashion Center regional mall and is one of five mall parcels that were approved by the Council for a Conceptual Planned Area Development (PAD) allowing Community Commercial (C-2) uses. Each parcel is required to obtain a PDP, which has already been completed for Parcels A, B and C. Based on the Commercial Design Standards, the application satisfies the requirements for quality site and building design. The site-landscaping plan will enhance the existing landscaping planted as part of the mall's construction and the development incorporates all the required standards and exceeds the required additional standards.

The application is a PDP and no formal neighborhood meeting was required. The applicant, however, held a meeting with the Hearthstone neighborhood representatives to review the plans and the neighborhood expressed support for the project and appreciated the design quality. A stipulation has been added to assure that the project's parking lot lighting is consistent with the lighting intensity levels used in the mall property. Planning Commission and Staff, upon finding the request to be consistent with the General Plan and Council adopted PAD zoning, recommended approval subject to the following conditions:

1. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details and design manuals.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, "Chandler Fashion Center Parcel D, Planned Area Development Guide, April 9, 2003," except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the property owner.
4. Approval by the Director of Planning and Development and Director of Public Works of plans for landscaping (open spaces and rights-of-way) and perimeter walls.

5. The parking lot lighting level shall be compatible with that intensity of the mall's parking lot lighting as approved by Staff.

22. HOUSING: Subordination of Lien on 899 West Del Rio Street (Ibarra)

APPROVED a request to subordinate the Downpayment Assistance Lien on property located at 899 West Del Rio Street, as recommended by Staff. The single-family, owner-occupied home, located at 899 West Del Rio Street, was purchased with assistance from the City's Downpayment Assistance Program in October 2000. A lien was placed against the property by the City in the amount of \$5,700. This lien is in the form of a 10-year forgivable loan with the balance currently at \$4,560.00.

The owners are in the process of refinancing their first mortgage to take advantage of lower interest rates. The total amount of the new loan would be \$115,960.00. There will be no cash out to the owner. In order to obtain the loan, a subordination of the City's lien is required by the lending institution. The property has been appraised at \$125,000.00 and the City's lien, currently in second position, will remain in second position after the new loan. Both liens will be within the 110% loan to value per program guidelines.

23. BYLAWS: Architectural Excellence Award Committee

APPROVED, as recommended by Staff, the Bylaws of the Architectural Excellence Award Committee. The final adoption of Ordinance No. 3428 creating the Architectural Excellence Award Committee, occurred on February 13, 2003. The Committee was appointed on April 24, 2003. The Committee had the opportunity to review the Bylaws at their first meeting on May 14, 2003.

24. ROAD ALIGNMENT: McQueen Rd. Improvements/Pecos Rd. to Queen Creek Rd.

APPROVED, as recommended by Staff, the alignment for McQueen Road improvements from Pecos Road to Queen Creek Road. Council approval is needed because the project as recommended involves right-of-way acquisition. This is a joint project with the City and the Maricopa County Department of Transportation (MCDOT). MCDOT will be the lead agency on the project for design, right-of-way acquisition and construction. The City will participate in the design review process and partially fund the project in an estimated amount of \$3,000,000. An Intergovernmental Agreement (IGA) for construction funding between the City and MCDOT is being developed for consideration at a future Council Meeting.

The Capital Improvement Program identified McQueen Road as a major arterial street in need of improvements to accommodate the future increased traffic volumes associated with the opening of the Santan Freeway. The construction of the project will require the purchase of additional right-of-way, drainage easements and temporary construction easements. The project will require one mobile home to be moved, the demolition of one rental home and the relocation of one family in the rental home. Construction is scheduled to start in March 2004 and be completed in June 2005.

25. INSPECTION SERVICES CONTRACT: CIP Inspection Services

AWARDED an inspection services contract to P.D.S. Information Technical Services for Capital Improvement Project (CIP) inspection services, Project No. EN0310-101, in an amount not to exceed \$50,000 as recommended by Staff. City Staff currently provides inspection for the City's

services with a combination of in-house and design consultant staff. Due to the need to expedite the construction of arterial streets that tie into the Arizona Department of Transportation's (ADOT) Santan Freeway, the volume of major projects has substantially increased over current workloads. Current in-house staffing levels are not adequate to inspect all of the major projects under construction over the next nine months.

Public Works recommends supplementing the City's full time personnel to address this interim peak workload in lieu of hiring additional permanent staffing or engaging additional engineering consulting services at higher cost. Temporary service contracts have proven to be the most cost effective for interim inspection services while ensuring quality inspection efforts are maintained.

26. ENGINEERING CONTRACT AMEND #1: Chandler Municipal Airport Heliport
Construction

AWARDED an engineering contract amendment No. 1 to Stantec Consulting, Inc. for the Chandler Municipal Airport Heliport Construction, Project No. A10105-201, to design Ryan Road to the full width of the right-of-way in an amount not to exceed \$35,747.00, as recommended by Staff. The existing heliport is recommended to be relocated in an effort to mitigate helicopter noise in adjacent residential neighborhoods. The decision to relocate the facility was based upon Planning Advisory Committee and public input meetings. The new site located on the east side of the airport will effectively move heliport operations and associated noise impacts a significant distance away from housing areas. The original design intent to access the new heliport was to construct a half street paved driveway on Ryan Road. This contract amendment will provide for the design of Ryan Road to the full width of the right-of-way. Additionally, this amendment will address waterline plan and profile, electrical re-phasing as well as phasing construction to meet anticipated grant awards.

27. JOB ORDER CONTRACT EXTENSION: SDB, Inc.

APPROVED a one-year extension for Job Order Contract (JOC) No. 02-01, to SDB, Inc., for an amount not to exceed \$1,000,000 and modifying the contract pricing methodology to a negotiated price format, as recommended by Staff. On October 26, 2000, the City Council approved using the Job Order Contracting procedure for construction services including minor building design and construction, renovations, repairs, rehabilitation, additions, reconstruction and alteration services to City facilities.

The current Job Order Contract was selected for a one-year contract with an option to renew for two additional years. In the first year of the Job Order Contract, SDB, Inc. performed nearly \$900,000 in City projects and this contract extension will be the second year of the JOC. The current contract requires the JOC to use the RS Means unit price book for project proposals. Pricing derived from the RS Means unit price book is often above the industry average for the Phoenix Metropolitan Area. Changing to a negotiated price format will remove the necessity to follow the RS Means unit price book and allow the City to negotiate prices with the contractor based on local prices.

28. CONTRACT EXTENSION: Landscape Maintenance Service

APPROVED a one-year extension of contract WT1-0078-1782 for one-year to Art Landscapes Inc. for landscape maintenance service in an amount not to exceed \$242,676, as recommended by Staff. In order to properly maintain Municipal Utilities property, the City has separated the total landscape maintenance needs into five manageable areas. Each of the five areas is contracted

individually. This contract is for the landscape maintenance of approximately 160 acres of Municipal Utilities owned land.

In June 2001, the City Council awarded a one-year contract to Art Landscapes, Inc. with three additional one-year extensions upon mutual agreement between the City and the contractor. The current contractor has agreed to extend the contract for the second of the three one-year extensions and has requested a five percent increase for labor and fuel. Staff has monitored the contract for the past year and is satisfied with the service being provided by Art Landscapes, Inc. and requested that the contract be extended for one year. This contract extension covers the period from July 1, 2003 through June 30, 2004. By extending the contract, the City will avoid administrative costs associated with rebidding.

29. CONTRACT EXTENSION: Ready Mix Concrete

APPROVED a one-year extension of the contract ST1-5610-1772 with Vulcan Materials Company for the purchase of ready mix concrete in an amount not to exceed \$70,000, as recommended by Staff. Concrete ready mix is used by the Street Division for handicap ramp installation, sidewalk construction, curb and gutter repair, and miscellaneous concrete repairs. On June 14, 2001, the City Council awarded a one-year contract to Vulcan Materials Company for the purchase of ready mix concrete with a renewal option for two (2) one-year periods. The current contract period is through June 30, 2003. City Staff is satisfied with the service provided by the current contractor and has requested that the contract be renewed for the second of the two one-year options for the period July 1, 2003 through June 30, 2004. Vulcan Materials has agreed to renew the contract at the original contract pricing. By extending the contract, the City will avoid administrative costs associated with rebidding.

30. CONTRACT EXTENSION: Purchase of Auto Parts

APPROVED a one-year extension of the contract FS1-2910-1750 for the purchase of after market and original equipment manufacturer (OEM) automotive and equipment parts, with T and T Napa; Carquest; Arizona Brake and Clutch; Chapman Chevrolet; Earnhardt Ford; Norwood Equipment; Falcon Power; Empire Machinery; Rush Truck Center; First In; United Fire and Simpson Norton in a total amount not to exceed \$400,250, as recommended by Staff. The City's Fleet Services and Fire Department have an ongoing requirement to repair vehicles and equipment in the City's fleet. The requested contract renewal will provide both aftermarket and OEM automotive and equipment parts for necessary repairs.

In May 2001, the City Council awarded the contract for after market and OEM automotive equipment parts. The contract was awarded for a one-year period with provisions to extend for two additional one-year periods. The current contract is for a variety of OEM and aftermarket parts. All pricing is based on a discount from manufacturer's list price and all suppliers have agreed to extend the contract based on the current price structure.

31. CONTRACT: City Facilities Refuse Collection/Arizona Waste Services

AWARDED an Invitation for Bid (IFB) SDW3-0495-2022 for City Facilities Refuse Collection to Arizona Waste Services in an amount not to exceed \$40,000, as recommended by Staff. The City has an ongoing requirement for the collection of refuse generated at City facilities. The requirement is currently fulfilled through a contract with Waste Management of Arizona, Inc. and the current contract will expire June 30, 2003.

On March 26, 2003, Staff issued an IFB for this service and the bid was advertised and all registered vendors were notified. Bids were opened May 7, 2003 and Staff recommended the award to Arizona Waste Services, who submitted the low bid and was responsive to all requirements. The recommended award will be for a one-year period with provisions to extend for four additional one-year periods.

32. PURCHASE: Water Meters/Metron-Farnier

APPROVED use of the City of Tempe contract with Metron-Farnier for the purchase of water meters in an amount not to exceed \$49,600, as recommended by Staff. The City of Tempe currently has a contract with Metron-Farnier for the purchase of vertical turbine water meters. These meters allow for wide-range flow measurement in a limited space. This purchase is to replace ten (10) inaccurate large meters with new 8" water meters plus appurtenances. The City of Chandler's meter-testing contractor has identified these meters for replacement, since they cannot be repaired due to obsolescence of product and/or repair parts. The requested items have been bid by the City of Tempe. Use of the City of Tempe's contract will save the cost and lead-time associated with the bid process.

33. PURCHASE: Office Supplies

APPROVED use of the State of Arizona Contract for the purchase of office supplies from Boise Cascade, Corporate Express, and Office Depot in a combined amount not to exceed \$260,000, as recommended by Staff. Office supplies were bid by the State of Arizona Procurement Office and contracts have been renewed with Boise Cascade, Corporate Express and Office Depot. In the last 12 months, the City has spent approximately \$250,000 for office supplies. Each department maintains a contract purchase order with the vendor of choice and orders supplies directly from that vendor. This contract offers a discount off the catalog price for all items including furniture, office equipment, paper, computer supplies and laser printer supplies that are available under other Arizona State contracts.

34. PURCHASE: Staff Vehicles for Fire Department

APPROVED use of the State of Arizona contract for the purchase of two staff vehicles from Ed Moses Dodge in the amount of \$33,913.96, as recommended by Staff. The Fire Department has experienced a shortage of available vehicles for personnel assigned to administrative day positions. This request is for the purchase of two new staff vehicles (Dodge Intrepids) to be utilized by administrative Battalion Chiefs assigned to 40-hour positions. The funds to purchase these vehicles are available within the existing Fire Department budget. The requested vehicles have been bid by the State Purchasing Office. Use of the State Contract allows the City to save the time and costs associated with the bid process. In addition, the City will share in the fleet incentives offered on the State contract.

35. USE PERMIT EXTENSION: Utility Vault

CONTINUED to the June 12, 2003 City Council Meeting, a request for a one-year Use Permit extension (UP03-0014 Utility Vault) to continue existing outdoor storage of concrete vaults.

36. LIQUOR USE PERMIT: Wayne V. McMartin American Legion Post #91

APPROVED a request for a Liquor Use Permit (UP03-0015 Wayne V. McMartin American Legion Post #91), for a Series 14 (Private Club) License within an expanded area at an existing

American Legion Post located at 922 North Alma School Road Suite 920, the SWC of Alma School Road and Ray Road. (Applicant: Ken Krause; Owner: Jeong and Soon Low, et al.) The American Legion currently occupies Suites 922 and 924 as a private club for American Legion Post 91 members and their guests. The total current floor area is 2,100 square feet. City Council approved the original American Legion Use Permit (UP01-0081) on January 24, 2002.

The American Legion plans to expand the existing private club by leasing the adjacent 900 square feet of space (Suite 920). This would result in a total club space of 3,000 square feet and will be used for tables and chairs, a small office and a pool table. There is no proposed or existing patio or outdoor area associated with this club. The new Use Permit will be used in association with the expansion of premises for a Series 14 club liquor license, which allows the holder to sell and serve spirituous liquor for consumption only on the premises owned, leased or occupied by the club and only to bona fide members and their guests. The club will continue to utilize only volunteer staff. Hours of operation will remain unchanged. The request was noticed in accordance with the requirements of the Chandler Zoning Code and Staff received two telephone calls from neighbors supporting the American Legion expansion.

Planning Commission and Staff, upon finding consistency with the General Plan and Council adopted C-2 zoning, recommended approval subject to the following conditions:

1. The Use Permit granted is for a Series 14 license only and any change of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the proposed floor area plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.
4. No alcohol shall be carried outside of the building into the parking lot or off-premises.
5. No overnight parking of RV's shall be permitted in conjunction with this Use Permit.
6. The facility will not be allowed to be leased out for other than member functions.

37. LIQUOR LICENSE: Permanent Extension of Premises/American Legion Post #91

APPROVED a request for a permanent Extension of Premises for City of Chandler Series 14 Private Club Liquor License (#300000481) and that a recommendation for approval of an a permanent Extension of Premises for State Liquor License No. 14073030, for American Legion Post #91, Inc. located at 922 N. Alma School Road, be forwarded to the State Department of Liquor Licenses and Control. The Police Department reported no objections to the permanent extension of premises and to date no objections have been received. All fees have been paid and the business is in compliance with the City's Sales and Use Tax Code.

38. LIQUOR LICENSE: Monsoon Bay

APPROVED a request for a City of Chandler Series 12 Restaurant Liquor License (#300000572) and that a recommendation for approval of State Liquor License No. 12075473 for Richard L. Welch, Agent, Monsoon Bay Inc., dba Monsoon Bay, at 140 West Warner Road, be forwarded to the State Department of Liquor Licenses and Control. The Police Department reported no objections to the issuance of the license and to date no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. With a Series 12 Restaurant Liquor License, the business may sell all liquors for on-premise consumption only, with a minimum of 40% of the gross receipts from the sale of food. Planning and Development has advised that a new Use Permit is not required since this will be a continuation of the location's previous use as Chuy's Mesquite Broiler.

39. LIQUOR LICENSE: Nothing But Noodles

CONTINUED this request for a Series 12 Restaurant Liquor License for Randy D. Nations, Agent, for M.C. Noodles LLC, dba Nothing But Noodles, at 2040 South Alma School Road, #3, to the June 26, 2003 City Council meeting, as recommended by Staff. The continuance is requested to allow the applicant time to complete the requirements for a new Use Permit.

MOVED BY VICE MAYOR HUGGINS, SECONDED BY COUNCILMEMBER WALLACE, to approve the Consent Agenda with Item No. 35 (UP03-0014 Utility Vault) continued to the June 12, 2003 City Council Meeting. MOTION CARRIED UNANIMOUSLY (7 TO 0).

ACTION AGENDA

40. BUDGET ADOPTION: 2003-2004 Tentative Budget

Resolution #3639

Budget Manager Susan Horner stated that on May 12, 2003, a Budget Briefing was held to give the City Council and the public an opportunity to review the entire proposed budget. She advised that the tentative budget of \$607,370,625 includes all on-going and one-time amendments approved by the Council on Monday, May 19th at their Special Meeting. She added that the City Council may adopt the proposed budget, as amended, but noted that State law requires that on or before the third Monday in July, the City Council must adopt a tentative budget. She said that once the tentative budget has been adopted, the expenditures may not be increased upon final adoption, however, they may be decreased. She stated that with the adoption of the tentative budget, the Council has set its maximum limits for expenditures, but the limits may be reduced upon final adoption. She noted that if the Council wishes to incorporate other amendments into the tentative budget, they must be voted on prior to the adoption of the final budget, which is scheduled for June 12th.

MS. HORNER stated that Agenda Item #40 is Resolution No. 3639 to tentatively adopt the 2003-04 budget and includes maintaining the property tax rate of \$1.28 per \$100 of assessed value to fund the required debt service payments on property tax supported General Obligation Bonds. She added that this resolution also serves notice that the Council will meet for the final Public Hearing on the proposed budget, the property tax levy, and the adoption of the Capital Improvement Program on June 12th following the 6:00 p.m. Study Session. She said that although the property tax rate will be maintained, a Truth of Taxation Notice is required when the tax levy is greater than the amount received the year before because of increased assessed value. She explained that a public hearing notice will be advertised once a week for two consecutive weeks (on May 27th and June 3rd) as required by Arizona State law. She reported that after the public hearing, the budget is scheduled for final adoption as presented or amended. She added that the adoption of the property tax levy is scheduled for June 26th, 2003 and said that Staff recommends that the Council approve the tentative budget with the amendments as approved last Monday.

VICE MAYOR HUGGINS stated that he is proud to serve as a member of the Council led by Mayor Dunn this year and commended Staff on their excellent efforts to manage the financial resources of the City. He commented on the fact that once again the City has not had to raise property taxes and noted the increasing value of real estate within the City.

MAYOR DUNN expressed the opinion that the proposed budget is both fair and cautious and added that the upcoming year will be one of interesting developments, unique State leadership,

and major decisions. He commended Staff on their performance in terms of working on the budget.

MOVED BY COUNCILMEMBER ANDERSON, SECONDED BY VICE MAYOR HUGGINS, to adopt Resolution No. 3639. adopting the 2003-2004 tentative budget as presented.

COUNCILMEMBER WESTBROOKS said that he fully supports the proposed budget as presented but is opposed to the timing associated with the opening of the Family Advocacy Center (July 2004). He stated the opinion that the Center should be opened much sooner than that in order to provide desperately needed services to the members of the community.

BIL BRUNO, 481 W. Half Moon Way, stated the opinion that the budget overall is a good one and spoke in support of maintaining the current property and sales tax levels in the City. He said that he hopes one day the Council will vote to lower the secondary property tax rate in view of the huge contingency reserves that exist as well as other factors, including improved bond ratings. He also discussed the issue of debt management properties and said that a policy exists on non-voter approved debt. He said that there are three reasons why the Council would borrow money to spend on projects that weren't approved by the voters. He noted that one is emergency situations, unfunded mandates, public health and welfare and said that he can certainly understand that one. He added that the second one is for a project that generates positive net revenues and indicated support for that as well. He said that he does not understand the third one, projects that require funds not available from other sources, and added that that pertains to projects meeting the City's goals and objectives. He questioned what this actually pertains to and asked the Council to "keep an eye" on this area.

MR. BRUNO spoke in support of hiring an actuarial firm to recommend funding levels for self-insurance risk (financial risk) and stated the opinion that the City's impact and development fees are too low, particularly for residential construction. He stated the opinion that developer's are not charged for a number of capital items that include fire trucks, uniforms, computers and police cars, which the City must purchase in order to maintain service levels for the new residents. He expressed the opinion that these costs should be passed along as well and spoke in support of growth paying for itself. He also said that he does not believe that the City should be borrowing against the General Fund in the hope that there will be sufficient development or impact fees in the future to offset these payments. He encouraged waiting until the "money is in hand" before spending it. He commended the development of the City's build-out financial strategy and said it is typical of the fine financial management exemplified by the City of Chandler Staff.

COUNCILMEMBER BRUNO commended Susan Horner, Pat Walker and Staff on their efforts to make the budget easier to understand and for all of their hard work.

MOTION CARRIED UNANIMOUSLY (7 TO 0).

PUBLIC HEARING:

PH1. Annexation at the SWC of Chandler Heights and Lindsay Roads

MAYOR DUNN declared the Public Hearing open at 8:15 p.m.

Planner I THOMAS RITZ, provided a brief overview of this annexation for approximately 238 acres located at the SWC of Chandler Heights and Lindsay Roads. (Applicant: Michele Hammond, Earl, Curley & Legarde; Owner: Vinson C. Dobson, Dobson Riggs Farm Ltd.

Partnership.) He explained that the owner has requested annexation and that this action will incorporate into the City all of the property required for a proposed residential subdivision, park, school site and shopping center site. He reported that the property is zoned R-43 (Rural Residential) in the County. The City's General Plan Land Use Element designates this property as part of the Southeast Chandler Area Plan for residential development. The property is not within a flood zone or an airport noise contour. The existing home on the site will be demolished.

MR. RITZ reported that Staff has circulated the annexation request among City departments and no negative comments were received. He added that the property proposed for annexation is contiguous to the existing City limits on a portion of its south and west sides and meets the required criteria for shape. The property is not currently served by any City utilities. Required improvements to the roadway and utility infrastructure will be constructed as part of the development.

MAYOR DUNN asked if there were any citizens present wishing to speak on this item and there being none, the Mayor declared the public hearing closed at 8:16 p.m.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that the CORE GED graduation ceremonies took place last Friday evening and he had the opportunity to speak at that event. He congratulated everyone who participated in that exciting ceremony.

He also commented on the fact that the City of Chandler has received a Triple A (AAA) Bond Rating from Fitch and a Double A Plus (AA+) rating from Standard and Poors and noted that it is estimated that this new rating will result in a savings of up to \$1 million on the sale of bonds currently in the City's Capital Improvement Program. He commended Management Services Director Pat Walker and Staff on their ongoing efforts to ensure that the City's bond rating achieves the highest level possible. He stated that Chandler is just one of four cities in the Southwest Region (Arizona, New Mexico, Texas, Oklahoma and Louisiana) and one of just 35 municipalities across the Country to receive this designation.

MS. WALKER noted that Staff had estimated a 4% interest rate and what was actually quoted for the General Obligation Bonds is a 3.38% interest rate and on the Water & Sewer Bonds, a 3.48% interest rate. She added that between those two items, the City is realizing over \$2 million in savings.

The Mayor stated that the Chamber of Commerce Annual Awards Dinner will be held on June 5th, congratulated everyone who will be honored at the celebration and encouraged attendance at this great event.

He added that the La Paloma neighborhood park was recently dedicated, located at Cooper Commons in Southeast Chandler, and said it was well attended by citizens in that area who helped design the park.

MAYOR DUNN wished everyone a safe and happy Memorial Day.

B. Councilmembers' Announcements:

COUNCILMEMBER CACCAMO extended his congratulations to three of the high schools that are serving Chandler's youths, Seton Catholic, Valley Christian and Hamilton High School for the excellent job they do in teaching our young people. He also commended Goodman Elementary School and Chandler High School and noted that they were both selected by the State for excellence in education and given the A+ Award, based on academics and overall programs. He pointed out that this is Chandler High School's 7th award.

COUNCILMEMBER WESTBROOKS commented that Chandler Gilbert Community College had their graduation on Friday, May 16th and he had the honor of being the keynote speaker at that important event. He spoke in support of the diverse student body and congratulated Maria Hesse on her first year and the decision to allow the festivities to occur at the school campus that evening.

COUNCILMEMBER BRUNO introduced BOB BRYCE from the Chandler Unified School District Governing Board who was present in the audience.

VICE MAYOR HUGGINS thanked Mayor Dunn, Councilmembers Westbooks and Anderson and Staff for taking the trip to New York to meet with the bond rating companies. He expressed the opinion that their efforts helped the City to secure the higher rating and excellent savings the City will realize.

COUNCILMEMBER ANDERSON said that the impact of meeting with the various agents was an important experience and reserve funds are key. He thanked Pat Walker and Staff for their outstanding efforts.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 8:27 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 22nd day of May, 2003. I further certify that the meeting was duly called and held and that a quorum was present.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, June 12, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno**	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

(**Councilmember Bruno participated throughout the entire meeting by the use of telephonic equipment. City Attorney Dennis O'Neill explained this process to the members of the audience.)

Also in attendance:

Pat McDermott	Acting City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Nachie Marquez, Dave Bigos, Mark Eynatten, Garrett Newland, Chief Roxburgh, Michael Traynor, Pat Walker, Dave Siegel, Doug Ballard, Bryan Patterson.

INVOCATION: The invocation was given by Pastor John Schubert - Epiphany Lutheran.

PLEDGE OF ALLEGIANCE: Councilmember Anderson led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Presentation - Military Order of the Purple Heart

MAYOR DUNN requested that Lt. Colonel Ralph Waara, Founder/Commander Bill Harper, Dr. Dominic DiGiovanni and Katherine Harris, Postmaster of Chandler, join him at the podium. The Mayor stated that they are there to celebrate the issuance of a new stamp signaling out the Purple Heart medal, honoring those hurt in battle. He noted that the Chandler Post Office held a celebration on May 30th and Councilmember Westbrook was in attendance and he thanked everyone for being present this evening. He called upon the three representatives to make a presentation.

Ms. Harris, on behalf of the men and women of the Chandler Post Office, presented some memento caches and Purple Heart stamp design pins to the members of the Council.

Commander Harper stated that the Purple Heart medal is the oldest medal in existence in the United States Armed forces and is given to anyone who has been wounded in combat against an armed enemy of the United States. He noted that the medal was first designed by George Washington and presented to three Sergeants of the Continental Army in 1782. He announced the names of the three initial medal recipients and said that they are fortunate to have a seventh generation direct descendant of one of the original recipients, Sergeant Daniel Bissell, present in the audience this evening and asked him to stand and be recognized. The Mayor, Council and

members of the audience recognized Mr. Bissell and applauded his attendance. Other patriots present in the audience were also recognized at this time.

2. Presentation - Forgotten Warriors Home, Inc.

MAYOR DUNN asked Judy Burks to join him at the podium. Ms. Burks stated that the Forgotten Warriors Home, Inc. has served over 3,000 homeless, disabled veterans and stressed the importance of receiving support from the City of Chandler in order to continue to provide their valuable, necessary services. She added that there are over 7,000 disabled veterans in Arizona alone and said it is extremely important that these courageous veterans are removed from the streets and provided homes, jobs, training, mental health counseling and a wide variety of other critical services. She thanked the Council for their anticipated support in this important area. She announced the organization's web site address (www.forgottenwarriorshome.com) and encouraged citizens to contact the site for additional information and assistance.

3. Proclamation - Special Olympics World Games Athletes

MAYOR DUNN requested that Brian and Tom Lambke join him at the podium as he read a proclamation in honor of the Special Olympics World Games Athletes. The Mayor announced that Brian and Tom will be traveling to Dublin, Ireland, the site of the World Games, from June 21st through the 29th to represent the Special Olympics and the City of Chandler. He stated that both Brian and Tom are bowlers and they have been practicing their skills to participate in the upcoming games.

MAYOR DUNN read a proclamation in honor of the Special Olympic World Games and said that the City of Chandler is proud to announce that Special Olympics athletes Brian and his father Tom will represent Chandler and the United States in the 2003 Special Olympics World Games. He said that the duo will compete in Dublin, Ireland with nearly 1,000 other athletes representing Special Olympic teams from throughout the United States. He added that Brian and Tom will participate in the unified bowling competition and noted the strict practice and schedule they have followed in order to train for this upcoming event.

MAYOR DUNN said that it is his honor to proclaim June 12, 2003 as Brian and Tom Lambke Day in the City of Chandler and wished them the best of luck in the upcoming competition. He also thanked Mark Villa, who organized the Special Olympics event in Chandler up until today when he was promoted to a position in the State Office of the Special Olympics, for his past efforts and support in this worthwhile event. The Mayor was presented with a Special Olympics Gold Medal in recognition of his continuing support of the Special Olympics.

COUNCILMEMBER WALLACE also congratulated the Lambke's on their efforts and upcoming participation in the Special Olympics Event and said that she would like to provide Brian and Tom with City of Chandler pins to take with them to distribute at the Special Olympics event in Dublin, Ireland.

COUNCILMEMBERS WALLACE AND WESTBROOKS also congratulated Mark on his efforts relative to the Special Olympics and wished him good luck in his new venture. COUNCILMEMBER ANDERSON echoed their remarks and noted that bowling is also the favorite sport of his son. He commented on the amount of work and energy that goes into the game and wished Brian and Tom the best of luck in the competition.

UNSCHEDULED PUBLIC APPEARANCES:

There were no unscheduled public appearances.

CONSENT:

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Special Meeting of May 19th and the Chandler City Council Meeting of May 22, 2003.

2. EASEMENT/SRP: Irrigation Pipeline/NEC Rural Rd. & Chandler Blvd. Ordinance #3438

ADOPTED Ordinance No. 3438, granting a no-cost irrigation easement to Salt River Project (SRP) for an irrigation pipeline at the NEC of Rural Road and Chandler Boulevard, as recommended by Staff.

3. LEASE/FAA: Air Traffic Control Tower Radar Display System Ordinance #3439

ADOPTED Ordinance No. 3439, authorizing the City of Chandler to enter into a 20-year lease with the Federal Aviation Administration (FAA) for space required for the installation, operation and ongoing maintenance of the air traffic control tower radar display system, as recommended by Staff.

4. CODE AMENDMENT: Court Fees (Amending Chapter 25, Sect. 25-4) Ordinance #3454

ADOPTED Ordinance No. 3454, amending Section 25-4 of Chapter 25 of the City Code, establishing a domestic violence prevention fee which will be assessed against those persons found guilty or placed on a deferred prosecution program for domestic violence.

5. DEVELOPMENT PLAN: Willis Industrial Center Ordinance #3455

ADOPTED Ordinance No. 3455 (DVR02-0025 Willis Industrial Center), rezoning from County Rural-43 to Initial City Zoning PAD Conceptual for I-1 industrial uses on approximately 33 acres located at 11539 E. Willis Road (SEC of Willis Road and the Union Pacific Railroad). Applicant: Whitneybell Architects, Inc.

6. ANNEXATION: West of the NWC of Riggs & Gilbert Roads (Circle G) Ordinance #3459

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3459, for the annexation of approximately 159 acres located west of the NWC of Riggs and Gilbert Roads (Circle G), as recommended by Staff. Staff has received original signed petitions from a majority of the property owners who also own a majority of the property by assessed value. To date, Staff has received 119 petitions representing approximately 78 percent of the total property owners, owning approximately 82 percent of the total assessed value. The annexation will incorporate the existing Circle G subdivision Units 1, 2, 3 and 4 into the City. The property is zoned R1-35 (Single-Family Residential) in the County (Unit 5 has already been annexed).

The City's General Plan Land Use element designates this property as part of the Southeast Chandler Area Plan for residential development. The property is not within a flood zone or an airport noise contour and the proposed annexation includes property owned by 153 property owners. A network of 8-inch water lines and 8-inch sewer lines in the subdivision's streets currently serve Circle G. Required improvements such as streetlights and street signs will be financed as provided in the Improvement Financing Agreement. These improvements include all infrastructure required to bring the subdivision up to standards acceptable to the City and allow for the streets and streetlights to be dedicated to and maintained by the City after annexation.

7. DEVELOPMENT PLAN: Chino Bandido Restaurant & Retail Ordinance #3460

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3460, (DVR02-0042 Chino Bandido Restaurant and Retail), rezoning from PAD Office to PAD Restaurant/Retail on approximately 1.68 acres with Preliminary Development Plan (PDP) for the proposed restaurant and retail building located south and east of the SEC of Chandler Boulevard and Dobson Road, aka Lot 3, San Marcos Square. (Applicant: Kelly Ferguson of SKD Architecture; Owner: Frank and Eve Collins.) San Marcos Square was rezoned in 1987 as a conceptual PAD for uses that included automotive, retail and office uses. The PAD zoning designated the subject site for office uses.

The proposed Chino Bandido development consists of one building, which includes the restaurant and two retail spaces. Chino Bandido currently operates a restaurant at 19th Avenue and Greenway in Phoenix. Parking requirements have been met for restaurant and retail uses and signage will be in accordance with the San Marcos Square Design Guidelines. Upon finding consistency with the General Plan, Planning Commission and Staff recommended approval subject to the conditions contained in the ordinance.

8. HOUSING: Sale of Real Property Within Chandler Manor Unit III Ordinance #3461

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3461, authorizing the sale of real property within Chandler Manor Unit III to qualified families and authorizing the Housing and Redevelopment Manager to execute all documents necessary to complete each sales transaction, as recommended by Staff.

The Housing and Redevelopment Division is developing seven (7) single-family homes as an infill project near Knox Road and Sunset Drive known as Chandler Manor Unit III. Completion of the three and four bedroom homes is scheduled for the end of September 2003 and the sale of the seven (7) homes is scheduled for the end of September 2003 and sale of the seven homes would take place concurrently. Housing and Redevelopment Staff, with the assistance of the City Attorney's Office, developed the marketing program and requested authorization to sell the homes based on specific criteria developed by them. The Housing and Redevelopment Manager will individually sell and convey for the purpose of home ownership the seven (7) developed properties in accordance with the program as outlined in Resolution No. 3647. Each sale will be undertaken through a fully executed purchase agreement in a form acceptable to the City Attorney that sets forth the terms and conditions of the sale and provides for opening and closing of escrow.

Depending on the construction schedule, Staff expects to identify the prospective homebuyers in late August 2003 and close escrow on the properties in late September or early October. The costs to develop this project were derived from Public Housing proceeds and a Community

Development Block Grant. Proceeds from the sale of these homes will be used to facilitate other affordable housing activities.

9. GRANT: National Highway Traffic Safety Grant/Purchase of Extrication & Vehicle Stabilization Equip. Reso. #3633

ADOPTED Resolution No. 3633, authorizing the Fire Chief, as the appointed agent for the City of Chandler, to conduct all negotiations and to execute and submit all documents in connection with a National Highway Traffic Safety Grant in the area of Occupant Protection, which requests funding for extrication and vehicle stabilization equipment, as recommended by Staff. The Fire Department applied for the grant, which is specific to the area of Emergency Medical Services, in the amount of \$36,817. A requirement of this grant process is to have the City Council approve the resolution. Grant awards will be made in October 2003. The grant is reimbursable and does not require matching funds.

10. IGA/RPTA: East Valley Dial-A-Ride Services (FY 2003-04) Resolution #3637

In response to a question from the Mayor, MIKE NORMAND explained the current geographical area for Dial-A-Ride in the City of Chandler. He noted that Dial-A-Ride currently has served the entire City since it was expanded approximately two years ago. Mayor Dunn suggested that a notice advertising the availability of the Dial-A-Ride service be placed in with utility bills in order to inform citizens of this service.

ADOPTED Resolution No. 3637, the annual amendment to the Intergovernmental Agreement (IGA) with the Regional Public Transportation Authority (RPTA) for provision of East Valley Dial-A-Ride services for FY 2003-04, in the amount of \$476,980, as recommended by Staff. The East Valley Dial-A-Ride (EVDAR) provides door-to-door public transportation service for senior citizens and persons with disabilities.

Council approved an IGA with the RPTA on August 17, 1999 to provide Dial-A-Ride service to the City of Chandler in partnership with the cities of Mesa, Tempe, Scottsdale and the Town of Gilbert through EVDAR. The term of the agreement was five years (July 1, 1999 to June 30, 2004) and required an annual review and adjustment of costs related to changes in service levels, operational costs, vehicle and equipment procurement and inflation. This amendment is for the fifth year of the five-year agreement.

11. BONDS: Street & Highway User Revenue Bonds, Series 2003 Resolution #3640

In response to a request from COUNCILMEMBER ANDERSON, Management Services Director PAT WALKER stated the results of the bids that were received on Agenda Items 11 through 13 were as follows: #11 Southwest Securities at 3.82%; #12 ABN Amro at 2.90%; #13 ABN Amro at 3.07%. She noted that the results of the sales confirm that the City's sound financial policies and practices, as endorsed by Council, have resulted in investors finding the City's bonds appealing because of the associated low credit risk. She reported that a \$1 million savings will be realized over the life of the bonds.

COUNCILMEMBER ANDERSON thanked Ms. Walker for her hard work and diligence in this area and Ms. Walker expressed her appreciation to the Council, the City's Financial Advisor and Staff for their ongoing support and efforts.

ADOPTED Resolution No. 3640, prepared by the Bond Counsel firm of Gust Rosenfeld, providing for the issuance and sale of \$5,000,000 principal amount of City of Chandler Street & Highway User Revenue Bonds, Series 2003, and declaring an emergency, as recommended by Staff.

At the May 22, 2003 Council Meeting, Resolution No. 3629, adopted by the City Council, ordered the sale of \$5,000,000 principal amount of Street and Highway User Revenue Bonds. The City will utilize carry forward balances for individual bond funds to offset project costs. The bond proceeds will be used for Traffic Control System, New Office/Shop Facility, Intersection Improvements and Street Repaving projects.

12. BONDS: Water & Sewer Revenue Bonds, Series 2003 Resolution #3641

ADOPTED Resolution No. 3641, prepared by the Bond Counsel firm of Gust Rosenfeld, providing for the issuance and sale of \$10,000,000 principal amount of City of Chandler Water and Sewer Revenue Bonds, Series 2003, and declaring an emergency, as recommended by Staff.

At the May 22, 2003 Council Meeting, Resolution No. 3628, adopted by the City Council, ordered the sale of \$10,000,000 principal amount of Water and Sewer Revenue Bonds. The City will utilize carry forward balances for individual bond funds to offset project costs. The bond proceeds will be used for Well Construction, Well Remediation/Redrilling, Backup Well Supply, Water Distribution Flushing Projects, Water Transmission Mains and Fire Hydrant Replacement projects.

13. BONDS: General Obligation Bonds, Series 2003 Resolution #3642

ADOPTED Resolution No. 3642, prepared by the Bond Counsel firm of Gust Rosenfeld, providing for the issuance and sale of \$21,375,000 of City of Chandler General Obligation Bonds, Series 2003, and declaring an emergency, as recommended by Staff.

At the May 22, 2003 Council Meeting, Resolution No. 3626, adopted by the City Council, ordered the sale of \$21,375,000 principal amount of General Obligation Bonds. The City will utilize carry forward balances for individual bond funds to offset project costs. The bond proceeds will be used for various Parks, Stormwater, Public Safety - Fire and Streets projects.

14. CHANGE OF LAND USE: Hamilton Street Right-of Way to Public Parkland Reso. #3646

COUNCILMEMBER WALLACE asked whether all access to the park would now be from Knox Road and was advised that this would in fact be the case.

ADOPTED Resolution No. 3646, changing the use of Hamilton Street right-of-way adjacent to the future Vagabond Park site, to public parkland, as recommended by Staff. A 100-foot wide strip of undeveloped right-of-way currently exists along the eastern boundary of the future Vagabond Park. Hamilton Street was planned to connect from Knox Road to Warner Road before the development of the park. With the development of the park and the existing subdivision to the east, Hamilton Street is no longer needed. Parks requested that this land, owned by the City, be changed to public parkland so it may be incorporated into park area, increasing the size of the park from 28 acres to approximately 33 acres.

All City departments and outside utilities support the change, which will not extinguish any rights-of-way or easements for existing sewer, gas, electric, water, canals, laterals, ditches or similar appurtenances and pipelines if any and shall continue to exist after changing the use to public

parkland. The City's Parks Department will assume the development and maintenance of the strip of land.

15. HOUSING: Homeownership Marketing Guidelines/Chandler Manor Unit III Reso. #3647

ADOPTED Resolution No. 3647, approving the marketing guidelines for seven (7) homes at Chandler Manor Unit III, as recommended by Staff and the Housing and Redevelopment Committee members. The Housing and Redevelopment Division is developing seven (7) single-family homes as an infill project near Knox Road and Sunset Drive known as Chandler Manor Unit III. Completion of the three and four bedroom homes is scheduled for the end of September 2003 and the sale of these homes will take place concurrently. Housing Staff, with the assistance of the City Attorney's Office, has developed the Chandler Manor III marketing guidelines.

The marketing program will begin immediately following Council approval and information will include flyers targeted to rental properties in Chandler, newspaper advertisements, letters to interested parties, cable television and various other sources. Families will need to qualify for at least a \$120,000 mortgage for the three-bedroom homes and at least a \$135,000 mortgage for the four-bedroom homes. If the families are first-time homebuyers, they may qualify for an additional \$3,000 deferred loan/grant toward down payment assistance. Depending on the construction schedule, Staff expects to identify the prospective homebuyers in late August 2003 and close escrow on the properties in late September or early October. The costs to develop this project were derived from Public Housing proceeds and a Community Development Block Grant. In addition, HOME grant funds will be used for down payment assistance. Proceeds from the sale of these homes will be used to facilitate other affordable housing activities.

16. COMMERCIAL REINVESTMENT PROGRAM (CRP) AMENDMENT: Section III

MAYOR DUNN referred to this agenda item as well as #17 (Granting a Commercial Reinvestment Program Agreement with Town Lake Enterprises for Plaza Del Arcos) and asked Staff to explain why they recommended that the "ceiling" be increased in terms of matching funds.

GARRETT NEWLAND responded that effort was expended by Staff to identify all of the commercial property owners in the targeted area and they ended up with seven (7) applications, three (3) of which were selected for funding, including the one listed under Agenda Item #17. He noted that the program may have to be adjusted in the future, depending on results and experience, and said many of the applications are "above the norm" and Staff anticipates receiving similar ones in the future that involve landscape upgrades, facade modifications and a few centers that involve extreme makeovers. He reported that \$300,000 has been budgeted for next Fiscal Year and stated the opinion that based on the applications received, Staff believes that this amount will be sufficient. He noted that the following agenda item represents the first one under the CRP and agreed with the importance of maintaining focus on older retail centers in the City of Chandler.

APPROVED an amendment to Section III of the Commercial Reinvestment Program (CRP) approved November 7, 2002 to include the following statement: *"City Council has the discretion to exceed the reimbursement maximums of the program for projects that are deemed to be of exceptional quality and/or high impact to the area and community,"* as recommended by Staff.

The Commercial Reinvestment Program as approved provides matching funds for developers of older commercial centers to renovate their projects. Under the approved program, the maximum

reimbursement is \$100,000. Projects of less than \$100,000 of private investment may be reimbursed as much as 50% of costs. Projects having over \$100,000 of private investment will receive less reimbursement on a percentage basis as more money is invested in the renovation project. Staff recognized that a 50% reimbursement on all projects is not feasible given the limited availability of funds. However, projects that represent exceptional quality and/or have high impact will often exceed over \$100,000 in private investment and therefore Staff recommended that the Council have the discretion to exceed reimbursement maximums for projects having exceptional quality and/or high impact to the area and the community.

Funding for the CRP is available in Cost Center 1520 in the amount of \$150,000 for Fiscal Year 2002-03 and an additional \$300,000 has been budgeted for Fiscal Year 2003-04.

17. CRP AGREEMENT: Town Lake Enterprises/Plaza Del Arcos Resolution #3648

ADOPTED Resolution No. 3648 approving a Commercial Reinvestment Program (CRP) Agreement between the City of Chandler and Town Lake Enterprises to provide assistance to enhance the appearance of Plaza Del Arcos, located at the northwest corner of Arizona and Galveston in Chandler, as recommended by Staff and authorizing the Mayor to sign the documents.

The Arizona Avenue corridor is one of the oldest commercial areas in the City. As new retail developments such as Chandler Fashion Center have become major magnets for new tenants and other ancillary uses, older existing shopping centers have begun to experience rising vacancy rates caused by increased competition, tenant relocations, small business closures and greater costs to upgrade older building facilities to meet market standards. To that end, the intent of the Commercial Reinvestment Program is to encourage private reinvestment in older existing retail centers within designated areas of the City that exhibit greater vacancy rates higher than City-wide averages and/or buildings that were constructed at least 15 years ago. The proposed improvements to Plaza Del Arcos are compatible with the intent of the Commercial Reinvestment Program. The project will enhance the appearance of the development and over time contribute to the reduction of vacant space.

18. ZONING CODE AMENDMENT: Chapter 35 (Auctions, Thrift Stores, Antique Shops, Consignment Stores and Swap Meets)

In response to a question from COUNCILMEMBER WALLACE, Planning and Development Director DOUG BALLARD commented that although at this point in time Staff is requesting that the case just be continued, there is a good chance that the case will be withdrawn at a later date.

CONTINUED to the July 24, 2003 City Council Meeting, Zoning Code Amendment ZCA03-0001, amending Chapter 35 of the City Code to establish definitions and permitted use/use permit requirements for auctions, thrift stores, antique shops, consignment stores and swap meetings. Planning Commission and Staff recommended that this item be continued to July 24, 2003 to allow additional time for review/comment from thrift store operators.

19. PRELIMINARY DEVELOPMENT PLAN: Washington Mutual Bank

COUNCILMEMBER BRUNO declared a potential conflict of interest.

MAYOR DUNN expressed appreciation to Staff and the members of the Planning and Zoning Commission for remaining "true to the vision" for this corner. He added that this is one of the premier "older corners" in the City of Chandler and commented on the extensive design review process that accompanied this proposal.

APPROVED Preliminary Development Plan PDP02-0030, Washington Mutual Bank, for a 4,000 square foot bank building located on Lot 2 of the "Park at Chandler" shopping center, a 1.23-acre site on the SWC of Alma School Road and Chandler Boulevard, as recommended by Staff. (Applicant: Mike Curley; Earl, Curley and Legard; Owner: Grossman/Robson Associates.) The site is the last pad site to be developed along Chandler Boulevard within the "Park at Chandler" shopping center. The zoning was granted in 1996 for Conceptual Plan approval only on this site and required a separate PDP approval for the site development and building architecture.

The Planning Commission and Design Review Committee reviewed this case several times and as a result, significant modifications to the building architecture, landscape plan, and relation of the building to the rest of the shopping center were achieved. The Planning Commission and Staff, finding consistency with the General Plan and previously approved Planned Area Development zoning, recommended approval of the Preliminary Development Plan for a bank, subject to the following conditions:

1. Compliance with the original stipulations adopted by City Council as Ordinance No. 2629, in case PL96-001 Southwest Corner of Alma School and Chandler Boulevard, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Preliminary Development Plan, The Park at Chandler, Washington Mutual Bank" kept on file in the City of Chandler Current Planning Division, in File No. PDP02-0030, except as modified by condition herein.
3. Sign packages, including free-standing signs as well as wall mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
4. All mechanical equipment and appurtenances shall be concealed and screened from view. Solid parapets are acceptable for screening, provided the height shall be equal to or higher than the highest point on the mechanical equipment.
5. All signs shall be fully integrated with the design of the building and the site development, reflecting the architecture, building materials and landscape elements of the project.
6. The drive-thru lanes and windows shall be used for financial institution purposes only; any use of the drive-thru lanes and windows for any other purpose shall require Preliminary Development Plan reapplication and new Preliminary Development Plan approval.
7. The exhibits and representations submitted herein are found to be in compliance with the requirements for Conceptual Development Plan approval. However, this does not constitute approval of the PAD Final Development Plan (Site Development Plan) by the Zoning Administrator.
8. All ground-mounted equipment shall be screened from public view by landscaping or a concrete or masonry wall equal to or greater in height than the mechanical equipment.
9. The building signs shall be individual internally illuminated reverse pan-channel letters placed within the sign envelopes illustrated in the development booklet.
10. The western parking screen wall parallel to Chandler Boulevard shall be extended 25 feet to the west.
11. Twenty-five percent of the trees shall be 48-inch box. The balance to be in conformance with the Commercial Design Guidelines.

20. PRELIMINARY DEVELOPMENT PLAN: Sun Groves Parcel 14 (Taylor-Woodrow Homes)

APPROVED Preliminary Development Plan PDP03-0007 Sun Groves Parcel 14 - Taylor Woodrow Homes, for housing products on 111 lots in a single-family subdivision of approximately 38 acres located north of the NEC of Lindsay Road and Hunt Highway, as recommended by Staff. (Applicant: Travis Nusman, Taylor-Woodrow Arizona, Inc.) The 38-acre site is located on a portion (Parcel 14) of the larger Sun Groves master planned community and is surrounded by the remainder of the Sun Groves community on three sides. The Taylor-Woodrow product meets the updated Residential Development Standards including all nine required standards and nine of the optional standards.

Planning Commission and Staff, finding consistency with the General Plan and previously approved Planned Area Development zoning, recommended approval of the Preliminary Development Plan for housing products subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2943 in Case PL98-158 Sun Groves, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Sun Groves Parcel 14 Preliminary Development Plan Submittal" kept on file in the City of Chandler Current Planning Division, in File No. PDP03-0007, except as modified by condition herein.
3. The same front elevation shall not be built on adjacent or opposite lots.
4. Staggered front and rear building setbacks for adjacent house locations shall occur throughout the entire subdivision.
5. Two-story homes along arterial and collector streets are limited to no more than every third lot.

21. SETTLEMENT: Property Acquisition (*City of Chandler v. G.B. Investment Company*)

APPROVED the settlement of *City of Chandler v. G.B. Investment Company* in the amount of \$311,700.00 plus statutory interest, as recommended by Staff. This is a condemnation action in connection with the Dobson/Elliot intersection project. The City is acquiring roadway (15,128 square feet) together with drainage and other easements (33,986 square feet) from a portion of developed land that surrounds the northeast corner of the intersection. The total of the take area is 49,114 square feet (1.13 acres). The land is just under 10 acres, has vested C-2 zoning, and is capable of development as a shopping center. The City acquired immediate possession of the property on July 15, 2002 and the sole remaining issue in dispute is the value of the property.

The City appraisal valued the portion of the property being acquired at \$281,700.00 based on a unit value of \$.50 per square foot and found no severance damages. The landowner, the holding company for a major grocer, claims severance damages due to the need for underground storm water retention for on-site runoff to avoid loss of parking required for a shopping center site. Staff has determined that a credible issue exists as to the need for underground retention as a result of the condemnation.

Legal staff recommended settlement in the amount of \$311,700.00, plus statutory interest from the date of immediate possession. The amount is approximately \$30,000 over the appraisal and is based on the estimated cost to cure the projected loss of parking. Settlement will avoid the expense, delay and uncertainty of having the matter go to trial and Staff believed it to be a fair and reasonable compromise.

22. Moved to the Action Agenda - Policy for Chandler Cable 11

See discussion under Action Agenda.

23. NEIGHBORHOOD MATCHING GRANT PROGRAM: Guideline Revisions

In response to a question from COUNCILMEMBER BRUNO, Community Development Coordinator PAT TYRRELL explained that the grant program has been expanded to include all Chandler neighborhoods in order to bring about a more diverse set of proposed projects in the future and to encourage greater neighborhood involvement. He added that the revised guidelines establish quarterly grant seeker orientation workshops and creates four grant cycles per year. He briefly commented on the proposed "point system" that has been recommended and noted that projects will be evaluated based on specific criteria.

APPROVED, as recommended by the Neighborhood Advisory Committee and Staff, revised guidelines for the City's Neighborhood Matching Grant Program. On April 8, 2003, the Neighborhood Advisory Committee (NAC) recommended revisions to the guidelines of the Neighborhood Matching Grant Program. The changes are designed to encourage greater neighborhood involvement while assisting neighborhood groups in strengthening the social network of their community while dealing creatively with important concerns.

NAC and Staff believe that the changes will provide a more diverse set of proposed projects in the future and allow more guidance to NAC in recommending projects to Mayor and Council. Although the proposed changes do not dramatically alter the guidelines of the program, they increase the role of citizens as full partners in setting goals within City of Chandler neighborhoods.

24. HOUSING: Subordination of Lien at 344 North Colorado Street (Corral)

APPROVED a request to subordinate the housing rehabilitation lien on the property located at 344 North Colorado Street (Project #97-7-1), as recommended by Staff. The single-family, owner-occupied home located at 344 North Colorado Street, was rehabilitated under the City of Chandler's Housing Rehabilitation Program in 1997. A lien was placed against the property by the City for \$29,950.00. This lien is in the form of a 10-year forgivable loan, whereby the City forgives 10% of the loan each year. The balance is currently at \$17,970.00.

The owners have applied for a loan to refinance their current first mortgage in order to reduce their monthly payments. There will be no cash out to the owners. The approximate total amount of the new loan would be \$52,585.00. In order to obtain the loan, a subordination of the City's lien is required by the lending institution. The City's lien is currently in second position and would remain in second position after the new loan. The property is valued at approximately \$90,000, which is more than the combined encumbrances of the City's lien and the new first mortgage.

25. MEMORANDUM OF AGREEMENT: Uniforms for the Police Department

AWARDED an agreement for police uniforms (Proposal No. PD3-8405-2021) to East Valley Uniforms in an amount not to exceed \$150,000, as recommended by Staff. The current contract for Police uniforms expires June 30, 2003 and therefore it was necessary to solicit proposals for a new contract. This contract will supply the Police Department's needs for uniforms for all patrol officers (including reserves), motor officers, park rangers, explorers, motorist assist volunteers,

detention officers, as well as some uniform related accessories such as baseball caps and campaign hats. This contract will also allow for replacement of worn or damaged uniforms and over standard sized uniforms, alterations, etc. In addition, this contract will allow officers to purchase miscellaneous uniform and duty gear related items through the Department's miscellaneous voucher program.

26. COMPACTION BONUS: Allied Waste Companies - Quarterly Landfill Operating Contract
Compaction Bonus

APPROVED the payment of a quarterly landfill operating contract compaction bonus to Allied Waste Companies for a total amount of \$15,008, as recommended by Staff. Under the current landfill operations contract, Allied Waste Companies is required to achieve a base compaction density of 1,800 pounds per cubic yard. The contract includes a penalty/bonus section for compaction density. For every 100 pounds per cubic yard compaction less than the base compaction density the contractor achieves during a quarter, a \$.50 per ton penalty will be assessed to the contractor. For every 100 pounds per cubic yard of additional compaction greater than the base, up to a maximum of 2,000 pounds per cubic yard, the contractor receives a \$.50 per ton bonus. During the last quarter (January, February and March 2003), Allied Waste Companies achieved 1,914 pounds per cubic yard of compaction. The savings to the City in usable airspace has been calculated to be \$54,627 after paying the bonus to the contractor.

27. OFFSITE AGREEMENT: QuikTrip Corporation/Deferring Construction of a Deceleration
Lane & Bus Shelter/Combination Bus Bay Deceleration Lane

In response to comments from COUNCILMEMBER CACCAMO relative to this agenda item, Assistant Public Works Director/City Engineer BETH HUNING outlined details relative to the proposed offsite agreement. She stated that this allows projects to be "combined" so that construction is not taking place two years in a row.

APPROVED an Offsite Agreement with QuikTrip Corporation, deferring construction of a deceleration lane along Arizona Avenue south of Warner Road and a bus shelter and combination bus bay/deceleration lane along Warner Road east of Arizona Avenue and accepting a lump sum payment of \$108,954, as recommended by Staff.

QuikTrip Corporation is developing a retail facility, to be known as QuikTrip #427, at the SEC of Arizona Avenue and Warner Road. As part of this development, the developer has a responsibility for certain offsite improvements along Warner Road and Arizona Avenue. The improvements along Warner Road include a combination bus bay/deceleration lane and a bus shelter. Along Arizona Avenue there is a requirement for a deceleration lane. The work along both streets will require some sidewalk and utility relocations.

The City has plans for constructing improvements to this intersection within the next year. Rather than have the developer complete his required improvements at this time, it is preferable to defer those improvements so that they can be constructed at the same time as the City's improvements to minimize traffic disruption. The total estimated construction cost for the deferred improvements is \$83,811 and with the costs for engineering, contract administration and contingencies, the total is \$108,954.00. Under the proposed agreement, the developer will make a lump sum payment to the City in the amount of \$108,954 and, in exchange, will be released from any further obligation to construct these improvements.

28. JOB ORDER CONTRACT: SDB, Inc. - Walkways/Lighting at Price Park

AWARDED a Job Order Contract to SDB, Inc. for construction of walkways and lighting at Price Park, Project No. PR0308-401, in an amount not to exceed \$108,293.42, as recommended by Staff. Each year, citizens make requests to the Community Services Department for improvements to the City's existing parks. Price Park is a thirteen (13) acre neighborhood park originally developed in 1992. Existing amenities at this park include a basketball court, a sand volleyball court, playgrounds, a ramada and open space. This project includes additional sidewalk and lighting along the eastern boundary of the park.

On May 22, 2003, Council approved a one-year extension of Job Order Contract Number 02-01 with SDB, Inc. for general contracting services including minor construction, renovations, repairs, additions, demolition, re-constructions and alterations services to City facilities. The costs proposed for this project were compared to average costs from similar City projects and determined to be reasonable for the entire project. Costs evaluated included demolition and lighting for the walkway.

29. PUBLIC DEFENDER CONTRACTS: FY2003-2004

APPROVED entering into Public Defender Contracts with Alex Gonzalez, Scott McAlister and James Dunham, as recommended by the Presiding Magistrate for Fiscal Year 2003-04. Defendants in criminal cases have the right to be represented by an attorney. In some instances, the attorney is Court appointed. The Court utilizes the services of Court-appointed attorneys to represent the indigent defendants. The proposed contract provides indigent defendants with access to a law office with demonstrated experience and expertise in the field of criminal defense with an office in the East Valley.

30. JUDGE PRO-TEM CONTRACTS: FY2003-2004

APPROVED the appointment and entering into Pro-Tem Contracts for Judges Pro-Tem, for Fiscal Year 2003-04, with Joanne F. Landfair, A. Douglas LaSota, Elizabeth Neola Olson, Caryl Parker, Anne M. Williams, Evans Farnsworth and Jeff Zurbruggen. The Court uses Pro-Tem judges to hear cases when a regular full time judge is not available, i.e. vacation/sick, etc. Each of the Pro-Tem judges have law practices and therefore may not be available as needed for courtroom coverage, so it is necessary to have several to select from. The approval of the referenced Judges Pro-Tem is necessary and vital to the Chandler Municipal Court and in the best interest of the public.

31. CONSTRUCTION CONTRACT: Erie/Ivanhoe Streets Storm Drain Extension, Phase III

AWARDED a construction contract to Achen-Gardner Engineering, L.L.C. for Erie Street and Ivanhoe Street Storm Drain Construction, Phase III, Project No. ST0204-401, in an amount not to exceed \$1,031,234.70, as recommended by Staff. The City's 1998 Stormwater Master Plan identified several storm drainage projects as part of a continuing program to alleviate existing drainage problems in the City. This project is Phase III and the last section of the Erie Street Storm Drain System in central Chandler. It consists of the east extensions of both the Erie Street and Ivanhoe Street storm drain systems. The work includes approximately 6300 feet of storm drain piping, catch basins, manholes, re-construction of four (4) driveways to comply with the Americans with Disabilities Act, and the installation of 1835 feet of sanitary sewer. This contract also includes a mill and overlay for roadways that are cut for installation of the storm drain. Total construction contract time is 210 calendar days with an estimated completion date of February

2004. The City inspection staff shall perform construction inspection with assistance from Camp, Dresser & McKee for submittals, requests for information, and periodic site visits.

32. CONSTRUCTION CONTRACT: Ray Rd. Improvements (Dobson Rd. to Bullmoose Dr.)

AWARDED a construction contract to Achen-Gardner Engineering, LLC for Ray Road improvements from Dobson Road to Bullmoose Drive (Project No. ST0201-401) in the amount of \$604,580, as recommended by Staff. This construction contract for Ray Road Improvements is needed to add the third westbound lane and improve traffic operations. \$198,000 of the construction costs will be reimbursed by the Maricopa County Department of Transportation in FY 2003-04. Total construction contract time is 140 days, with an estimated completion date of November 2003. Construction inspection will be performed by City inspection staff.

33. CONSTRUCTION CONTRACT: Fire Hydrant Replacement

AWARDED a construction contract to G & G Construction for fire hydrant replacement (Project No. WA0314-401) in the amount of \$589,999.30, as recommended by Staff. City operations staff identified 1,000 fire hydrants that need to be replaced. A capital improvement program was developed and over 610 of these fire hydrants have been replaced in previous fiscal years. This contract is to replace 215 fire hydrants in this phase of the program at locations throughout the City. The final phase of 175 hydrants is programmed for next fiscal year. This year's cost is \$2,744 per fire hydrant, which is \$486 less than last year's unit price bid of \$3,230 per unit. Contract time is 140 days and construction inspection will be performed by City staff.

34. CONSTRUCTION COST REIMBURSEMENT/SRP: Utility Relocation/Ray Rd. Widening
(Dobson Rd. to Bullmoose)

APPROVED additional funds for Salt River Project (SRP) to proceed with design and construction services for the relocation of utilities for the Ray Road Widening (Dobson to Bullmoose), Project No. ST0201-501, in an amount not to exceed \$25,691, as recommended by Staff. SRP needs to relocate their utilities to accommodate the City's project for the Ray Road widening (Dobson to Bullmoose). Since SRP has prior rights, the City is required to reimburse SRP for all associated costs to relocate their utilities.

The original amount of the SRP authorization to proceed with design and construction services was based on an estimate for the relocation of one 69kV pole and the relocation of the 12 kV underground lines to avoid being under new pavement. The design has since been revised to include the relocation of a second 69 kV pole and the relocation of additional 12 kV underground lines. The additional funds are for compensation for the additional pole and underground line relocation. SRP provides construction services for their own facilities.

35. CONTRACT EXTENSION: JC Printing/Overflow Copying, Printing & Bindery Services

APPROVED a one-year extension of the contract for overflow photo copying, printing and bindery services (Bid No. AS2-0275-1575) to JC Printing, in an amount not to exceed \$100,000, as recommended by Staff. These services are needed to ensure that printing and copying will be provided in a timely manner to meet schedules requested by City staff. The contract includes the pick up and delivery of documents at Administrative Services.

In June 2002, City Council awarded a one-year contract to JC Printing with two one-year optional renewals to provide overflow copying, printing and bindery services. The agreement expires in

July 2003 and staff recommended a one-year extension. The vendor has agreed to extend the contract for an additional one-year period with no changes to the current services.

36. CONTRACT EXTENSION: Arizona Behavioral Counseling/Operation of the Alcohol/
Substance Abuse & Domestic Violence Screening Facilities

APPROVED a one-year extension of an agreement with Arizona Behavioral Counsel (ABC) for the operation of Alcohol/Substance Abuse and Domestic Violence screening facilities, (RFQ No. MG9-0807-1563), as recommended by Staff. Pursuant to ARS Section 28-1381 et seq. a defendant convicted of an offense of this section shall be required to attend an alcohol abuse screening session at the defendant's expense. Defendants convicted of violations of other statutes may be ordered to be screened for substance abuse, domestic violence, and/or behavioral issues at their expense. ABC has been selected to provide this service for the Chandler Municipal Court.

In June 1999, the City Council awarded an agreement for operation of alcohol/substance abuse and domestic violence screening facilities to ABC. The agreement has a renewable option for one-year increments at the discretion of the Presiding City Magistrate. Staff is satisfied with the service being provided by ABC and recommended approval of the one-year extension. ABC has agreed to the extension. The fees paid to ABC are paid by the defendants.

37. CONTRACT EXTENSION: LFG&E Int'l./Landfill Gas System Operation & Maintenance

APPROVED a one-year extension of the contract (SW1-0154-1665) for landfill gas system operation and maintenance to LFG&E International in an amount not to exceed \$90,000, as recommended by Staff. The City of Chandler was required to install a landfill gas collection and control system to eliminate the migration of landfill gases off of the landfill property. In 1997, a fully operational landfill gas collection and control system was installed as required by the Arizona Department of Environmental Quality in order for the landfill to be in compliance with Environmental Protection Agency Subtitle "D" rules and regulations. The warranties on the system have expired and a portion of the operations and maintenance work required is of a specialized nature and beyond the City's capability. LFG&E International is currently providing this specialized operations and maintenance work.

In July of 2000, the City awarded contract SW1-0154-1665 for landfill gas system operation and maintenance to LFG&E International. The contract was awarded with a one-year term with provisions to extend for four additional one-year provisions. LFG&E International has agreed to extend the contract for the third extension with a price increase of 2.8%, which Staff considers reasonable.

38. CONTRACT EXTENSION: Pro Star Lining - Metal Alley Refuse Container Liners

APPROVED a one-year extension of the contract (SW2-7241-1895) for liners of metal alley refuse containers, with Pro Star Lining, in an amount not to exceed \$34,200, as recommended by Staff. Chandler has approximately 3,500 metal alley containers in service. These containers cost \$265 each and have an average life span of 6-8 years. The major factor causing the metal alley refuse containers to be replaced is rust. Application of a liner, at a cost of \$76 per container, is estimated to increase the life expectancy of the container by up to 50%. The City began installing liners in metal alley refuse containers in 1999. The contractor will apply a liner to all new replacement containers. The requested amount is based on lining 450 replacement containers over the next year.

In July 2002, the City Council awarded the contract to pro Star Lining for a one-year term with provisions to extend for an additional four one-year periods. The company has agreed to extend for the first year with a \$.50 per liner price increase to cover the increased cost of materials. The requested increase is less than 1% of the current cost of \$75.50. Staff is satisfied with the service and has recommended that the contract be extended for an additional year at the requested price of \$76 per liner.

39. PURCHASE: 37-Foot Bucket Truck

AWARDED a Bid (TE3-2590-2024) for the purchase of a thirty-seven foot (37') bucket truck from Utility Trailer sales in the amount of \$57,534.39, as recommended by Staff. The purchase of this bucket truck is for the replacement of existing equipment that has been in operation for 9 years. This truck will be used for the maintenance of illuminated street name signs and traffic signs.

40. PURCHASE: Hewlett Packard Hardware, Software & Network Support

APPROVED the sole-source purchase of Hewlett Packard hardware, software and network support with Hewlett Packard Corporation in an amount not to exceed \$69,500, as recommended by Staff. This is to pay for the annual maintenance of all City Hewlett Packard hardware and software. Hewlett Packard is the platform that all Oracle applications and functions are running on and are considered mission critical for the continued functioning of the City of Chandler. These are annual recurring costs that cover hardware replacement in the event of failure, software upgrades and access to technical support.

41. PURCHASE: Support/Maintenance of the City's Cisco Networking Equipment with Qwest

APPROVED the utilization of the State of Arizona's contract (No. AD000187-016) for the purchase of support and maintenance on the City's Cisco networking equipment with Qwest in an amount not to exceed \$65,000, as recommended by Staff. This is to pay for the annual maintenance of all City Cisco network infrastructure equipment. This equipment includes all switches, routers and connectivity equipment. These are annual recurring costs that cover hardware replacement in the event of failure, software upgrades and access to technical support. The use of this contract eliminates the cost of going out to bid and reduces the lead time in obtaining the equipment in addition to capturing the State's volume purchasing power.

42. PURCHASE: Lotus Notes, Lotus Domino, Novell Netware & Zenworks Software License Maintenance

APPROVED the utilization of the State of Arizona's contract (No. AD990116-001) to purchase Lotus Notes, Lotus Domino, Novell Netware and Zenworks Software License maintenance from ASAP Software in the amount of \$102,105.22, as recommended by Staff. This is to pay for the annual maintenance of all City of Chandler Lotus Domino servers, Lotus Notes clients, Novell Netware and Zenworks clients. These are annual recurring costs to cover upgrades, maintenance and technical support for these applications. The use of this contract eliminates the cost of going out to bid and reduces the lead time in obtaining the equipment, in addition to capturing the State's volume purchasing power.

43. USE PERMIT EXTENSION: Utility Vault

APPROVED the one-year extension of a Use Permit (UP03-0014 Utility Vault) for existing outdoor storage of concrete vaults on an approximate 4-acre site located 300 feet north of Pecos Road on the east side of the Southern Pacific Railroad. (Applicant: Archicon, L.C.) Utility Vault currently stores manufactured utility vaults on a parcel of land directly northeast of Pecos Road and the railroad tracks. The property is zoned PAD for industrial use and building plans are currently being reviewed for the expansion. Utility Vault requested approval to continue to temporarily store the vaults on the subject site for a period of one year. The site will continue to be enclosed by a chain link fence with canvas screening to block the view from adjacent properties. The company expects construction to begin during the first half of 2004 and the City has not received any complaints about storage or in reference to the site.

Planning Commission and Staff, finding consistency with the General Plan, proposed the Use Permit extension required for temporary outdoor storage for one year based on the following conditions:

1. The Use Permit shall be extended for a period of one (1) year, at which time reapplication shall be required. The one-year time period shall begin from the date of City Council approval.
2. Substantial expansion or modification beyond the approved exhibits shall void the Use Permit and require a new Use Permit application and approval.

44. USE PERMIT: Sunrise Adult Care Home

COUNCILMEMBER BRUNO commented on the fact that the applicant is seeking permission to increase resident capacity from four to six and expressed concerns relative to setting a precedent in this area. MR. BALLARD noted that each request will be reviewed on a case-by-case basis in order to gauge the effect on the neighborhoods. Councilmember Bruno indicated that her preference would be to require that the maximum number of residents remain at four rather than the requested six. (Councilmember Bruno voted nay on this item.)

APPROVED a Use Permit (UP03-0005 Sunrise Adult Care Home), an adult care facility within a single-family residence located at 2004 West Western Drive. (Applicant: Jose Carlos.) Sunrise Adult Care Home is located north of the NEC of Elliot and Dobson Roads. The house was built in 1979 as part of a single-family residential subdivision, Knoell East. The house has been expanded to 1,539 square feet with six bedrooms, approximately 400 square feet larger than the other homes in the subdivision. The backyard is fenced, with additional fencing around the pool and although there is no covered parking, there are two spaces provided in the driveway. Employees do not park at the house and the applicant is responsible for driving the employees to and from the home.

The facility has been operating by right since August 2002. Currently, the Zoning Code allows Adult Care Homes to operate by right, under the definition of family, when there are five or less unrelated persons living in the home. The applicant currently possesses a State issued "directed care" license for four permanent residents. The applicant would like to have six permanent residents along with three full time employees working 12-hour shifts, one shift overlapping during the day. Visiting hours are from 9 a.m. to 7 p.m. and visitors are encouraged to call beforehand. Based on the square footage of the six bedrooms and the space requirements, the home could accommodate up to eight residents. The request was noticed in accordance with the requirements of the Chandler Zoning Code and to date Staff has received one telephone call and letter from a resident opposed to this Use Permit regarding the proposed number of residents. No neighbors attended the neighborhood meeting.

Planning Commission and Staff, upon finding consistency with the General Plan, recommended approval of the Use Permit subject to the following conditions:

1. The Use Permit shall be extended for a period of one (1) year, at which time reapplication shall be required. The one-year time period shall begin from the date of City Council approval.
 2. Compliance with the City of Chandler's Zoning Code provisions with regard to the operation of adult care homes.
 3. Maximum resident capacity is six (6).
45. USE PERMIT: Leisure Living for the Elderly

CONTINUED to the July 24, 2003 City Council Meeting, Use Permit UP03-0006, Leisure Living for the Elderly, a request for a Use Permit for an Adult Care Facility within a single-family residence located at 507 North Nantucket Court, as recommended by Staff. (Applicant: Nhor Latinovich). Planning Commission and Staff recommended a continuance to the July 24, 2003 City Council meeting. A neighborhood meeting was held on May 1, 2003, however, there was low attendance. The applicant requested additional time for notification of a second neighborhood meeting in hopes to increase neighborhood input. The second neighborhood meeting will be held on June 3, 2003 at 5:30 p.m. at the applicant's residence.

46. USE PERMIT: Kids Can Doodle

APPROVED a Use Permit (UP03-0008 Kids Can Doodle), for a Preschool-Child Care Center within a Regional Commercial (C-3) zoning district located at 2200 North Arizona Avenue, Suite #18, (within the East Valley Mall), north of the NWC of Arizona Avenue and Warner Road. (Applicant: Dean Karrys; Owner: Len Noel, Covington Asset Management.) Kids Can Doodle currently occupies the 6,585 square foot Suite 18 and an adjacent 7,365 square foot outdoor play area within the East Valley Mall. The suite was previously occupied by the Tots Unlimited Child Care facility, which did not have a Use Permit. The applicant recently purchased the business and brought it to the City's attention that a Use Permit was necessary for the use.

The business provides childcare to approximately 130 children and has approximately 25 employees, depending upon enrollment. Hours of operation are Monday through Friday 5:30 a.m. to 7:00 p.m. The Arizona Department of Health Services licenses the Chandler location for full day care, infant care, one year olds, part day care and school age day care. Staff feels that the use is compatible with other uses in the East Valley Mall and that the center does not negatively impact the neighborhood or adjacent tenants. This request was noticed in accordance with the requirements of the Chandler Zoning Code and to date Staff has not received any comments from any neighbors or members of the public regarding this case. Planning Commission and Staff, upon finding consistency with the General Plan, recommended approval, subject to the following conditions:

1. Development shall be in substantial conformance with exhibits, including floor plan and narrative, except as modified by condition herein.
2. Expansion or modification beyond the proposed floor plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.
4. All outdoor activities shall occur within the existing, enclosed playground.

47. USE PERMIT: Adobe Montessori

APPROVED a Use Permit (UP03-0011 Adobe Montessori), to operate a Montessori School for Pre-School and Daycare at a Church within a SF 8.5 (Single Family Residential) zoning district located at 6400 West Del Rio Street. (Applicant: C. Todd Heglund.) The request seeks approval for 150 children and current enrollment is 136 children. The Montessori School Pre-School and Daycare program is open Monday through Friday between the hours of 7:15 a.m. and 5:30 p.m. The majority of the children are there between 8:30 a.m. and 3:30 p.m. The Zoning Code permits churches, schools, public buildings/uses, and golf courses through a Use Permit within the SF 8.5 Zoning District.

The applicant is licensed through the State and has operated a Montessori School Pre-School and Daycare at the Valley Unitarian Universalist Church, 1700 W. Warner Road, for the last 20 years. The Church has relocated to the former St. Benedicts Church and the pre-school wishes to relocate with the Church. The site is developed with a multi-use building (sanctuary) at the SE corner and the administration building, classrooms and rectory on the western side. No building modifications or expansions are part of this request. The pre-school requires a Use Permit to assess neighborhood compatibility. No complaints are on file at the pre-school's current location. The request was noticed in accordance with the requirements for Use Permits in the Chandler Zoning Code. Staff has received one phone call opposed to the request. The concern raised by the caller was noise attributed to children playing next to their residence. The caller's rear yard faces the existing classroom buildings. To mitigate the noise from playing children, Staff recommended that the western section and the gate returns of the playground fence be constructed of block. Upon finding consistency with the General Plan, Planning Commission and Staff recommended approval of a Use Permit subject to the following conditions:

1. Expansion or modification beyond the approved exhibits and representations (Site Plan/Floor Plan, Licensure and Narrative) shall require a new Use Permit application and approval.
2. Unimproved portions of the site shall be maintained in a clean, weed free manner.
3. The western section and the gate returns of the playground fence are to be constructed of block.
4. There shall be no outside/exterior loudspeakers/PA system associated with this use.

48. LIQUOR USE PERMIT: Mama Mia Panderia & Market

APPROVED (UP03-0020 Mama Mia Panderia and Market), a Liquor Use Permit for a Series 10 Beer and Wine License at a new grocery store located at 731 South Arizona Avenue (SEC of Arizona Avenue and Morelos Street). Applicant: George Mihilli. The request is for a Use Permit to sell liquor (Series 10 Beer and Wine License) for off-premise consumption only within a new grocery story. Mama Mia Panderia and Market is an existing business located at 701 South Arizona Avenue. The grocery store has been operating with a Use Permit for a Series 10 Liquor License since September 1998 without violation. This Use Permit is required due to the applicant relocating the business. The new grocery store is approximately 6,000 square feet in size and will be open Monday through Sunday from 8 a.m. to 9 p.m. A Series 10 License allows a retail store to sell beer and wine, in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

The request was noticed in accordance with the requirements of the Chandler Zoning Code and to date Staff has not received any telephone calls or letters from residents opposed to the Use

Permit. Staff, upon finding consistency with the General Plan, recommended approval, subject to the following conditions:

1. The Use Permit is for a Series 10 liquor license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

49. LIQUOR LICENSE: Mama Mia Panderia & Market

APPROVED a request for a City of Chandler Series 10 Beer and Wine Store Liquor License (#300000571) and that a recommendation for approval of State Liquor License No. 10074540 for Gjergj K. Mihilli, Agent, Mama Mia Panderia and Market at 731 S. Arizona Avenue, be forwarded to the State Department of Liquor Licenses and Control. The Police Department reported no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. With a Series 10, the business may sell only beer and wine for off-premise consumption.

50. LIQUOR LICENSE: Hidden Shamrock

APPROVED a request for a City of Chandler Series 12 Restaurant Liquor License (#300000575) and that a recommendation for approval of State Liquor License No. 12075488 for John T. West, Agent, JTW Holdings, LLC, dba Hidden Shamrock, at 7200 West Chandler Boulevard, #14, be forwarded to the State Department of Liquor Licenses and Control. This application reflects a change in ownership. Planning and Development advised that a new Use Permit was not required since this will be a continuation of the location's previous use as Hidden Shamrock. The Police Department reported no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's tax code. With a Series 12 Restaurant Liquor license, the business may sell all liquors for on-premise consumption only, with a minimum of 40% of the gross receipts from the sale of food.

51. LIQUOR LICENSE: Pei Wei Asian Diner

APPROVED a request for a City of Chandler Series 12 Restaurant Liquor License (#300000573) and that a recommendation for approval of State Liquor License No. 12075487 for Russell G. Owens, Agent, Pei Wei Asian Diner, Inc., dba Pei Wei Asian Diner, at 7131 West Ray Road, Bldg, 1, Suite 3, be forwarded to the State Department of Liquor Licenses and Control. This application reflects a change in ownership. Planning and Development advised that a new Use Permit was not required since this will be a continuation of the location's previous use as Pei Wei Asian Diner. The Police Department reported no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. With a Series 12, the business may sell all liquors for on-premise consumption only, with a minimum of 40% of the gross receipts from the sale of food.

52. SPECIAL EVENT LIQUOR LICENSE: Chandler Education Foundation Fundraiser

APPROVED a request for a City of Chandler Special Event Liquor License for the Chandler Education Foundation and that a recommendation for approval of a State Special Event License

be forwarded to the State Department of Liquor Licenses and Control. The Chandler Education Foundation plans to hold a Fundraiser Dinner on Saturday, June 21, 2003, from 6:30 p.m. until 10:00 p.m. at Mercedes-Benz of Chandler, 7450 West Orchid Lane. With a Special Event License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods.

The Police Department reported no objections to the issuance of the license. As the applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

53. COUNCIL DIRECTION: Preparation of Policy Requiring Public Participation in Charitable, Municipal and/or Educational Programs in Evaluating Economic Development Agreements

In response to a question from COUNCILMEMBER BRUNO, the Mayor stated that it is his understanding Staff will present comments to the Council relative to this issue and the development of a policy, including any problems that may arise from a legal standpoint as well as the standpoint of competing with other communities in terms of economic development. He noted the significant amount of "aggressive competition" that exists between municipalities in terms of the Santan corridor.

City Attorney DENNIS O'NEILL agreed with the Mayor's comments and expressed the opinion that the proposed policy would not generate liability issues. He added that the City already moves in this direction to a certain degree and noted that the policy would serve to formalize a practice that is already in effect in the City of Chandler. He also agreed that the direction is for Staff to prepare a proposed policy and present their findings to the Council for review and consideration.

MR. O'NEILL discussed Staff's intention to research the policies that are in place in other cities and present that information to the Council.

COUNCILMEMBER WALLACE stated that she appreciates the fact that Councilmember Westbrooks has placed this item on the agenda for discussion and consideration.

COUNCILMEMBER WESTBROOKS expressed the opinion that anyone who is bringing a development agreement to the City of Chandler, anyone asking for incentives from the City in some capacity, should also have the intent and/or the ability to give something back to the community. He commented on the large number of development agreements entered into by the City of Chandler and added that this represents a method of measuring what the various organizations will bring to the community in terms of benefits.

MR. O'NEILL emphasized that this policy will only apply in cases where entities are asking for economic (financial) incentives from the City of Chandler.

COUNCILMEMBER WALLACE said that she hopes that the policy will be broadened and enhanced and stressed the importance of clarifying the policy and spelling out the terms and the fact that opportunities exist for both the City of Chandler and the various entities to benefit from in terms of tax savings, etc.

In response to a request for input from Staff by COUNCILMEMBER CACCAMO, Mr. McDermott advised that once Staff has conducted research, they will identify and present a variety of options

and outline the pros and cons associated with the various recommendations and findings. He added that legal restraints and requirements will also be a part of Staff's presentation.

MR. NEWLAND added that Staff is looking forward to conducting extensive research in an effort to identify creative policies and incentives that are currently in place in other municipalities.

COUNCILMEMBER WESTBROOKS commented on the fact that the City in the past has worked with a homebuilder who voluntarily donated land for public facilities. He added that he does not believe that was part of an economic development agreement. MR. O'NEILL indicated Staff's intention to pursue all areas, including the issues and points raised by Councilmember Westbrook.

MAYOR DUNN stressed the importance of Staff providing the Council with information relative to what can and cannot be done in this area, the need to focus on the Santan corridor, and the benefits of attracting retail.

In response to a request for an estimated timetable from COUNCILMEMBER WESTBROOKS, Mr. McDermott stated the opinion that a preliminary policy will be presented to the Council for review and consideration in approximately six to eight weeks.

APPROVED that Staff be directed to draft a policy whereby a corporation's public participation in charitable, municipal and/or educational programs be considered in evaluating economic development agreements and determining to what extent the Council is willing to provide economic incentives for said corporation to locate or expand within the City of Chandler.

COUNCILMEMBER WESTBROOKS stated that he is not requesting that a policy be developed that directs contributions to specified entities, since he understands that every corporation has entities they prefer donating to, but clarified that prior to the City rebating millions of dollars in tax revenues for a project, he would like a policy in place wherein the Council evaluates the given corporation's commitment to public participation, in whatever form they choose, within the community.

54. PROFESSIONAL SERVICES AGREEMENT: Consultant Services/IT Assessment & Strategic Plan

APPROVED an agreement for IT Consulting Services with Gartner, Inc. to purchase consultant services for an IT Assessment and Strategic Plan, Request for Clarifications and Experience (IT3-0895-2030), in an amount not to exceed \$155,000, as recommended by Staff. To maintain effective delivery of information technology, an organization needs to align its investment in information technology with the boarder needs of its customers. Typically this is done by conducting an IT strategic plan and periodically aligning that plan. The need for an IT strategic plan for the City of Chandler was recognized by the allocation of funding to address this requirement.

In an effort to more effectively address the City of Chandler's current and future business needs, the City is embarking on this initiative to assess its Information Technology (IT) environment and develop an IT Strategic Plan that will guide the evolution of the City's IT resources to more effectively meet the City's business needs in better servicing the citizens and residents of the City of Chandler and other stakeholders.

COUNCILMEMBER BRUNO indicated that she had a potential conflict of interest on Agenda Item #19 (PDP02-0030 Washington Mutual Bank), which she wanted reflected in the minutes of the meeting and because of such conflict, she would refrain from discussing/participating in this agenda item.

COUNCILMEMBER BRUNO also indicated her intention to vote "Nay" on Agenda Item #44, (UP03-0005 Sunrise Adult Care Home).

MOVED BY COUNCILMEMBER ANDERSON, SECONDED BY VICE MAYOR HUGGINS, to approve the Consent Agenda as presented, with Agenda Item #22 (Policy for Chandler Cable 11) moved to the Action Agenda and the two exceptions noted by Councilmember Bruno and listed above. MOTION CARRIED UNANIMOUSLY (7 TO 0).

ACTION AGENDA

22. COUNCIL POLICY: Mayor/Council - Chandler Channel 11 Programming

COUNCILMEMBER WALLACE stated that she supports the idea of having a written policy in place governing this issue. She referred to a portion of Section 2a. contained in the policy, and said that she would like it to read that once an elected official has announced his or her candidacy for office that he/she can no longer do programming, interviews, and/or participate in those types of activities that provide an advantage over other candidates also running for office. She added that she would also like wording added to the policy to the effect that once candidates announce their intention to run for office, whether Congressional, House, Senatorial or Legislative, that they too be prohibited from participating in interviews and other similar programming on Chandler's Channel 11 that might provide an advantage over other candidates.

NACHIE MARQUEZ said that as the policy currently reads, it will allow the Mayor and members of the Council, during the course of carrying out their duties, i.e. groundbreaking ceremonies, park dedications, ribbon cuttings, etc. to participate in programming activities. She noted, however, that the elected officials would be conducting business as "officials for the City of Chandler." She added that if the Council would like Staff to pursue this matter, they would be happy to do so.

COUNCILMEMBER WALLACE clarified that she does not have any problems with the activities listed by Ms. Marquez but added that she is talking about the Chandler in Focus program, when the Councilmembers conduct interviews, etc. She commented on the fact that programming in this area appears to increase during election times and she cautioned that this is an area that should be looked at in order to avoid problems in the future. She emphasized the importance of avoiding the appearance of giving anyone running for office an unfair advantage over anyone else. She added the opinion that when the date of the election neared, interviews were "pulled" in the past, approximately a month beforehand, and said she believes that once candidates have announced his/her candidacy, those types of activities should cease.

In response to a comment from PAT McDERMOTT relative to his opinion that the City has never restricted programming in the past, Councilmember Wallace stated the opinion that the restrictions she is referring to took place during prior elections, possibly for the 2000 elections.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER WESTBROOKS, to approve as recommended by Staff, a policy for Mayor and Council

programming on Chandler Channel 11, with the addition in Section 2a. that any elected official who is a candidate for re-election or election, three months prior to the election, be prohibited from participating in programming on Channel 11 that specifically involves interviews and special programming on "Chandler in Focus", but that typical day-to-day official programming duties continue to be carried out (ribbon cuttings, dedications, groundbreakings, etc.) and that any interviews for candidates for other offices (Federal, State, Congressional, Legislative, etc.) also not be allowed to be aired on Channel 11 during the three-month time frame prior to an election.

MAYOR DUNN said that his understanding is that Staff is requesting that the Council adopt a written policy that has basically been in effect in the City in terms of public appearances as well as other various programs, such as Chandler in Focus and Mayor's Review. He added that the policy states that the City will continue with such practices and said he does not believe that any abuse has been demonstrated in the past as far as those practices are concerned. He expressed the opinion that the shows provide a public service and important information that is well received by the citizens of Chandler. He said he believes that the proposed policy is actually saying that they will not allow any change to occur in what is being done at the current time, especially if a candidate announces his or her desire to seek office in the City.

The Mayor noted that the shows will not air more frequently and if some of the Councilmembers had not participated in the shows in the past, the time period surrounding elections would not be the appropriate time for them to start. He expressed the opinion that what exists is a "balancing act" of continuing to carry out the responsibilities of the position of elected officials while providing necessary and important information to the citizens of Chandler as part of the City's "public service" process. He added that he does not believe it necessary to impose a specific time period relative to this issue.

COUNCILMEMBER WESTBROOKS concurred with Councilmember Wallace's comment relative to establishing a specific timeline to "cut off" certain activities in order to avoid providing an unfair advantage to any candidate. He added, however, that although he believes that the three-month time frame may be adequate, he would support directing Staff to research what is done in other cities and report their findings to the Council. He said that the Council may wish to continue this item to allow Staff an opportunity to perform additional research on this matter.

NACHIE MARQUEZ stated that Staff has performed research in the cities/towns of Gilbert, Tempe, Glendale, Mesa, Phoenix and Scottsdale. She reported that Tempe has an "open microphone" system which allows candidates running for office, one hour before the Study Session, five minutes each in which to present their remarks. She added that Scottsdale completely cuts off any discussion on the part of the candidates from the time they announce his/her intention to seek office. She said that a lot of the other communities seem to mirror Scottsdale's policy but have different timeframes (30 to 60 days prior to an election). She said that she did not conduct interviews of any of the candidates but would be happy to do so if directed by the Council. She added the opinion that although there was no official policy in place for the last election, there was a "volunteer approach" to remain off the air but nothing was in writing. She emphasized that Staff would seek legal advice on any issue that arises.

COUNCILMEMBER WALLACE noted that the City Charter contains a requirement that states that if any Councilmember is in mid-term in their office and choose to run for Mayor, that they immediately have to step down and give up his/her seat because they are then considered candidates. She added that anyone in the last six months of his/her last term does not have to step down. Councilmember Wallace stated the opinion that this would be in keeping with that

"fairness" and again emphasized the importance of not providing unfair advantages to any of the candidates.

MAYOR DUNN reiterated his previous comments and said that he believes it is a matter of balance and that reaching out three months in advance of an election is too long. He added the opinion that during the last election the candidates agreed to cease such activities one month prior to the election and said he believes that was a sufficient and appropriate amount of time. He stated that he does not believe any instances of abuse have occurred.

COUNCILMEMBER CACCAMO commented that he was the challenger running against the incumbents in the last election and he did not have a problem with "Chandler in Focus." He added that his biggest challenge, as far as incumbents and the advantages they have, was with the press and said that their comments appeared frequently. He agreed that good judgement must be used and spoke in support of the policy being proposed by Staff.

VICE MAYOR HUGGINS also spoke in support of adopting the policy as recommended by Staff.

In response to a request for clarification from COUNCILMEMBER WESTBROOKS, Ms. Marquez stated the opinion that during the last election a voluntary "cease programming" time frame of one month among the various candidates was instituted.

FRANK PEAKE, 1199 N. Melody Circle, agreed that there is the general appearance of benefit to the incumbents on the utilization of the programs "Chandler in Focus" as well as the Mayor's program and added that a benefit is also provided. He commented on the other side of the issue, a lack of knowledge of all of the candidates who are running consistently exists and said that although one or two candidate forums are run, that is the extent of the exposure to candidates throughout the City. He suggested that rather than restrict the incumbents, the Council leave the current policy in place and also take a look at scheduling other types of non-incumbent forum-type discussions that will provide the citizens of Chandler with more information.

MAYOR DUNN thanked Mr. Peake for his comments.

MOTION FAILED by majority vote (3 to 4) with Councilmembers Wallace, Bruno and Westbrooks voting Aye.

MOVED BY COUNCILMEMBER ANDERSON, SECONDED BY COUNCILMEMBER CACCAMO, that the proposed policy for Chandler Cable 11 Mayor/Council programming be approved as recommended by Staff. MOTION CARRIED BY MAJORITY VOTE (4 TO 3) with Councilmembers Wallace, Bruno and Westbrooks voting Nay.

TRUTH IN TAXATION PUBLIC HEARING:

MAYOR DUNN announced the public hearing for the 2003-04 primary property tax levy; 2003-04 Final Budget and 2003-08 Capital Improvement Program opened at 9:00 p.m.

SUSAN HORNER, Budget Manager, stated the tentative budget in the amount of \$607,370,625 was approved by Council on May 22, 2003 is scheduled to be adopted this evening. She reported the proposed combined tax rate would remain at \$1.28 per \$100 assessed valuation. Ms. Horner commented that Arizona Revised Statutes required a Truth in Taxation notice if the City intended to increase the tax levy over the previous year. She explained that although there is an increase in the primary property tax collections, exclusive of collections of new construction,

of an estimated \$300,770 or 6.3%, it is a result of an increase in assessed value in existing property and not because of an increase in the property tax rate. The primary tax rate will remain at \$0.38 per \$100 assessed value for FY2003-04. The 2003-2008 Capital Improvement Program totals \$605,725,680 and programs scheduled in the first year of the CIP are financed and adopted as part of the City's annual budget.

COUNCILMEMBER WESTBROOKS said that over the past eight years, the Council has lowered the property tax rate by \$0.01 six times and it is his understanding that this year the recommendation is to remain the same as last year. He asked what the cost would be if it was again lowered.

MS. HORNER replied that if the secondary tax was decreased from \$0.90 to \$0.89 cents, the cost would be \$153,000. A primary tax decrease would result in \$152,000. She added that the primary tax was used for various general fund expenditures while the secondary taxes could only be used for debt service.

MAYOR DUNN commented that it was his opinion that due to the economic environment the tax rate should remain the same for FY2003-04 and added that the Council would again review the rate next year.

MAYOR DUNN stated he had one request to speak card, however no one came forth. Mayor Dunn again asked if there was anyone present to address the Council on this issue. Receiving no further comment, the Mayor declared the hearing closed at 9:05 p.m.

55. PRIMARY PROPERTY TAX LEVY INCREASE; 2003-04 BUDGET; & 2003-08 CAPITAL IMPROVEMENT PROGRAM: Resolution No. 3645

MAYOR DUNN asked Management Services Director Patricia Walker to explain the property tax levy.

MS. WALKER stated her office had received inquiries regarding the notice. She explained that when the assessed value increases on existing property, the appreciation on the homes could cause an increase in the amount of taxes paid. A notice is required even though the tax rate is not increasing.

MOVED BY COUNCILMEMBER ANDERSON, SECONDED BY VICE MAYOR HUGGINS to approve a primary property tax levy increase over fiscal year 2002-03, in accordance with the Truth in Taxation statutes. MOTION CARRIED UNANIMOUSLY (7 to 0) on a roll call vote.

MOVED BY MAYOR DUNN, SECONDED BY COUNCILMEMBER ANDERSON, to approve Resolution No. 3645, adopting the 2003-04 Final Budget of \$607,370,625 and 2003-2008 Capital Improvement Program of \$605,725,680. MOTION CARRIED UNANIMOUSLY (7 TO 0).

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that the ground-breaking ceremony for the City's new Fire Station, Station #8, will take place on June 23rd at 5:30 p.m.

The Mayor stated that the Annual Juneteenth Celebration will be in two parts, on June 20th and June 21st and said that the Juneteenth Festival will be held on June 20th at 7 p.m. at the Center for the Arts and the Juneteenth Celebration will take place on June 21st from 5 to 11 p.m. at Folley Park. He invited the citizens of Chandler to participate in this fun and worthwhile event and to call 899-3022 for additional information.

MAYOR DUNN discussed the opening of the Day Labor Center, which is located on Arizona Avenue north of Pecos Road. He explained that this represents the first privately funded center and added that no City funds or resources have been used as part of this process. He expressed appreciation to the businesses and religious organizations who were involved in this important venture and encouraged contractors and residents to use the services provided by the Center.

MAYOR DUNN recapped the Chamber Awards that were announced and presented at the June 5th Chamber Awards Dinner as follows:

Education:	Administrator of the Year: Sam Merrill, Humphrey School Educator of the Year: Elizabeth Carlson, Basha School Support Staff Employee: Mike Holland, Channel 99
Business:	Small Business of the Year: Infinity Floor Coverings Business of the Year: Lowe's Home Improvement Industry of the Year: Chandler Unified School District
Individual Honors:	Chandler Cup (Outstanding Volunteerism) Awarded to Wayne and Linda Minde Chamber Cup (Outstanding Support to Chamber) Ron Adams (Past Board Chair) James R. Snedigar Public Service Award (Public Employee) Warren Bale, SW Ambulance

MAYOR DUNN wished fathers everywhere a Happy Fathers' Day.

B. Councilmembers' Announcements:

There were no Councilmembers' Announcements at this time.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 9:15 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 12th day of June, 2003. I further certify that the meeting was duly called and held and that a quorum was present.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, June 26, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

Also in attendance:

Pat McDermott	Acting City Manager
Rich Dlugas	Asst. City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Mark Eynatten, Chief Roxburgh, O.D. Burr, Bob Mulvey, Doug Ballard, Assistant Chief Nash, Bryan Patterson.

INVOCATION: The invocation was given by Pastor Scott Thompson, Holy Trinity Lutheran.

PLEDGE OF ALLEGIANCE: Councilmember Bruno led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognition

MAYOR DUNN, assisted by Public Works Director BRYAN PATTERSON, recognized DONALD DONG on his ten years of dedicated service to the City of Chandler. He is the Senior Street Specialist in the City's Street Sweeping division and began his career with the Streets Division concrete crew as an Equipment Operator I, handling all aspects of concrete work. Don is always willing to help out and is extremely self-motivated and detail oriented. His meticulous approach to things, coupled with his knowledge and attention to detail, lengthened the life of special equipment used in asphalt work, saving the City maintenance repair costs. In 1999, Don was promoted to Senior Street Specialist and he is known for his strong work ethic, commitment to his job and the citizens of Chandler and dedication. Effective next Monday he will be promoted again to the Streets Crew Leader position.

MAYOR DUNN, assisted by Assistant Police Chief Nash and Commander Tom Blaine, recognized LARRY HAMMACK on his 30 years of dedicated service to the City of Chandler. Commander Blaine noted that Larry has held numerous positions during his tenure with the City, including dispatcher, jailer, police officer for field training, financial crimes detective and warrant officer. He said that upon his retirement from the Police Department, Larry became a Neighborhood Service Specialist. Over the years, he has had many accomplishments, including being the first Chandler officer to receive the "Law Enforcement Commendation Medal" from The Sons of the American Revolution, "Community Service Award" for his devotion to the Boy Scouts of America, and he became a "Certified Zoning Inspector" through the American Association of

Code Enforcement. He noted his extensive involvement in civic and service groups and said that he is a member of several local and national historical organizations. Commander Blaine commented that Larry exemplifies "Team Chandler" and continues to serve the City of Chandler and the community with pride and distinction.

MAYOR DUNN, again assisted by CHIEF NASH and Commander Tom Blaine also recognized KENNY THATCHER on his 20 years of dedicated service to the City of Chandler. Commander Blaine noted that Sergeant Thatcher began his service to the citizens of Chandler as a reserve police officer in 1980 and has served in almost all of the positions within the Police Department. He noted the extensive accomplishments he has achieved and noted that he was responsible for developing a certified translator program within the Police Department to provide better service to Chandler's Spanish speaking citizens. He discussed his work as a narcotics detective and the fact that he was responsible for destroying several criminal organizations and seizing over \$12 million dollars of their criminal assets. Commander Blaine noted that Kenny led the Police Laboratory in the development of identification specialists to collect and process evidence, allowing officers to concentrate on their enforcement duties and added that he is currently the Supervisor of the Firearms Training Unit and responsible for all the firearms training of Chandler's officers. He commended him on his personal and professional ethics and said that he is a credit to the Police Department and citizens of Chandler.

The Vice Mayor also congratulated LARRY HAMMACK and KEN THATCHER on their service to the community and noted that he had the honor of working with those two special individuals.

MAYOR DUNN, assisted by CHIEF ROXBURGH and Asst. Chief Tom Carlson, recognized RALPH BARR, MARK BOULANGER, JEFFREY BRENNAN, RANDALL MANDT, BRAD MILLER, CARY PALMER AND PAUL WAZ for their ten years of dedicated service to the City of Chandler. Asst. Chief Carlson stated that during June of 1993, the Fire Department hired ten employees, representing 29 years of service as engineers, 13 years as captains, 53 years as paramedics and 12 years in special operations. He added that two of the individuals serve on the Police Department's SAU Team as SAU medics. He said that in addition to their regular duties, these staff members are very involved in the community through Habitat for Humanity, MDA "Fill the Boot" drives, the Fire Safety House, immunization clinics, urban survival training in the schools and child car seat installations. He emphasized that these personnel are all great examples of the City's "Values Program" and thanked each and every one of them for their ten years of dedicated, excellent service to the City of Chandler and its citizens.

2. Retirement Recognition

MAYOR DUNN, assisted by CHIEF ROXBURGH and Asst. Chief Carlson, recognized SCOTT ROUNDS on his upcoming retirement from the City of Chandler. Asst. Chief Carlson stated Battalion Chief Rounds is retiring with more than 20 years of service with the Chandler Fire Department and was already a Paramedic when he began his career with the City. He was promoted to Captain in 1986 and promoted again to his current rank of Battalion Chief in 1998. Scott continued his education over the past 20 years and has completed his Bachelors and Masters Degrees. He is currently enrolled in the Executive Fire Officer course through the National Fire Academy in Maryland and upon completion will become the third member of the Fire Department to receive this certificate of distinction. Scott was noted on the various positions he has held and the honors he has received along with his positive "can do" attitude. He noted that customer service has always been number one with Scott for both internal and external customers.

MAYOR DUNN, assisted by BRYAN PATTRSON, recognized BARRY COMBS on his upcoming retirement from the City of Chandler after 20 dedicated years of service. He noted that Barry began his employment with the City as an offsite inspector and due to his excellent problem solving and customer service skills, he was soon promoted to Engineering Field Services Superintendent with responsibility for the offset inspector staff and all development infrastructure construction. For the past 20 years, Barry has been recognized on numerous occasions for his customer service ethics and his great people skills and willingness to "go the extra mile." Barry has had many accomplishments and has received numerous exceptional performance awards. He was instrumental in the development of the City's materials testing lab and successful in negotiations that resolved several construction issues. He has served the City in many capacities and acted as a liaison in many areas, including representing the City on the MAG Technical Specifications Committee. Throughout his tenure with the City, he has been known for his excellent customer service skills and finesse in amicably resolving problems. The staff will miss his great sense of humor and wish him the best of luck in all of his future endeavors.

MAYOR DUNN, again assisted by BRYAN PATTERSON, recognized BARBARA MASZTAKOWSKI on her retirement from the City of Chandler after seven years of dedicated service to the City. Barbara began working for the City in 1995 as a temporary employee with the Purchasing Department and from there she worked with Risk Management and then the Chandler Library. Six months later, she found a home at the Chandler Municipal Airport and has remained there until her retirement on June 13th. For the almost 8 years that she has served as the Executive Assistant to the Airport Manager, she has kept a close vigil on the complex details involved in the administration of a busy airport and has watched the airport grow into the 63rd busiest airport in the country. Barbara could always be relied upon to address lease questions and issues and she was the recipient of numerous values alerts. Mr. Patterson thanked Barbara for her tenacity and dedication to the City of Chandler and wished her a happy and healthy retirement.

MAYOR DUNN, assisted by BOB MULVEY, recognized GERALD BACKHAUS on his upcoming retirement from the City. He noted that in June 1992, Gerry began his career as the Solid Waste Services Superintendent. Chandler was just beginning its growth spurt and the Solid Waste Division of 7 employees serviced 29,000 households and 92,000 residents. Today, 24 Solid Waste Employees support over 53,000 households with over 210,000 residents. Under Gerry's guidance, the division's dedication and innovation has provided the City with many programs that have extended the life of the landfill, i.e., backyard composting, curbside recycling, separation of white goods from "regular" trash, etc. Chandler is also the first valley City to install and utilize a computerized gas to energy system, which can provide electricity to approximately 210 households. During Gerry's tenure, the Division has been honored with 3 Awards of Merit and 7 Crescordia Awards, the highest honor bestowed by the Valley Forward Association for environment and environmental education contributions; 3 Governor's Pride in Arizona Awards and the Governor's Energy Efficiency Award. He thanked Gerry for his 11 years of service and the many contributions he has made to the citizens of Chandler. He wished him the very best in his retirement.

3. Proclamation - National Aquatics Week

MAYOR DUNN requested that Aquatics Superintendent, SHERI PASSEY, join him at the podium as he read a Proclamation in honor of National Aquatics Week. The Mayor stated that recreation and the creative use of free time are vital to the happy lives of our citizens and education and athletic programs throughout the City of Chandler encompass a multitude of activities that result in personal accomplishment, self-satisfaction and family unity for all citizens regardless of their

background, ability level, or age. He said that the citizens of the City should recognize that swimming and aquatic related activities result in good physical and mental health and enhance the quality of life for all people. The Mayor said that it is his honor to declare July 13th through the 19th National Aquatics Week in the City of Chandler.

4. Proclamation - July 2003 is Recreation and Parks Month

MAYOR DUNN requested that GENE HAGGERTY, Chairman of the Parks and Recreation Board join him at the podium as he read a proclamation declaring July 2003 Parks and Recreation Month in the City of Chandler. The Mayor stated that the month of the July is the time for family and friends to enjoy the outdoors and said that parks and recreation activities and leisure experiences provide opportunities for young people to live, grow and develop into contributing members of society and create lifelines and continued experiences for older members of the community. He noted the opportunities that are generated as a result of these activities as well and said that it is his pleasure to declare the month of July 2003 Recreation and Parks Month in the City of Chandler and encouraged all citizens to take advantages of the many opportunities available in the City.

5. Communications Awards Recognition

MAYOR DUNN requested that NACHIE MARQUEZ, Director of Communication and Public Affairs, join him at the podium. MS. MARQUEZ stated that it gives her great pleasure to be able to recognize the outstanding work of the employees in the Communication & Public Affairs Department and added that what is even more exciting is the fact that their excellent work product has been recognized by professional organizations in the field throughout the United States. The awards included: Communicator Awards for Chanweb, CAPA Guide Publication, CityScope Video Program, and the Public Works at Work Video Program. Videographer Awards were presented for Public Works at Work Video Program and the First Due Video Program. The Copper Anvil Award was received for the CAPA Guide and the Telly Award for the CityScope Video Program. She thanked the employees for their outstanding achievements and the honors they have brought to the City and to themselves.

6. Becky Jackson - Chandler Chamber of Commerce

BECKY JACKSON, the new President and Chief Executive Officer of the Chandler Chamber of Commerce, said that she has served in her new capacity for the last seven weeks and previous to that her experience included 30 years in the banking field. She said she knew it would be important to introduce herself to a number of City individuals who she would be interacting with in the future and thanked everyone for their kindness and support. She also thanked everyone for the valuable input and suggestions she has received to date and encouraged everyone to continue to provide input. She announced that in July a Chamber Business Mixer will be held and encouraged attendance at that meeting. She added that on Monday mornings from 8 to 9 a.m. informal discussions will be held to talk about what is going on in the City and also invited attendance at those get togethers. She discussed other meetings and promotions that have been planned, indicated her intention to work as hard as possible to promote and enhance the City of Chandler, and again thanked everyone for their support.

MAYOR DUNN suggested that Ms. Jackson address the Council on a regular basis and said that he appreciates the working relationship and partnership the Council and City has with the Chamber.

UNSCHEDULED PUBLIC APPEARANCES:

There were no unscheduled public appearances.

CONSENT:

MOVED BY COUNCILMEMBER WALLACE, seconded by COUNCILMEMBER CACCAMO, to approve the Consent Agenda as presented. MOTION CARRIED UNANIMOUSLY (7 to 0).

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Special Meeting of June 12th and the Chandler City Council Meeting of June 12, 2003.

2. ANNEXATION: West of the NWC of Riggs & Gilbert Roads (Circle G) Ordinance #3459

ADOPTED Ordinance No. 3459, for the annexation of approximately 159 acres located west of the NWC of Riggs and Gilbert Roads (Circle G), as recommended by Staff.

3. DEVELOPMENT PLAN: Chino Bandido Restaurant & Retail Ordinance #3460

ADOPTED Ordinance No. 3460, (DVR02-0042 Chino Bandido Restaurant and Retail), rezoning from PAD Office to PAD Restaurant/Retail on approximately 1.68 acres located south and east of the SEC of Chandler Boulevard and Dobson Road, aka Lot 3, San Marcos Square. (Applicant: Kelly Ferguson of SKD Architecture; Owner: Frank and Eve Collins.)

4. HOUSING: Sale of Real Property Within Chandler Manor Unit III Ordinance #3461

ADOPTED Ordinance No. 3461, authorizing the sale of real property within Chandler Manor Unit III to qualified families and authorizing the Housing and Redevelopment Manager to execute all documents necessary to complete each sales transaction, as recommended by Staff.

5. PROPERTY TAX LEVY: Fiscal Year 2003-2004 Ordinance #3463

ADOPTED Ordinance #3463, establishing a tax rate of \$1.28 for Fiscal Year 2003-2004, as recommended by Staff. State law requires that the tax levy necessary for funding the adopted Budget be established by ordinance and be adopted at least (7) days following the final adoption of the Budget but before August 15th. Since this tax levy ordinance is an administrative method of setting apart funds necessary for use and maintenance, it does not require an extraordinary (3/4) vote to make it effective immediately. This determination is based on a Supreme Court decision and is fully explained in the Municipal Budget and Financial Manual provided by the Arizona League of Cities and Towns.

Ordinance No. 3463 follows the prescribed form recommended for adoption and establishes a tax levy of an estimated \$20,764,445 set forth in the 2003-04 Budget. In this ordinance, the City Council directs the County of Maricopa to levy the amount allowed by law. The total tax rate will be \$1.28 per \$100 of assessed valuation. Property value estimates have been received from the County Assessor's office and are available for inspection in the office of the City Clerk and Management Services.

6. EASEMENTS/SRP: Relocation/Maintenance of Electrical Facilities Ordinance #3457
Cooper & Queen Creek Roads

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3457, granting an aerial easement and an easement for electrical transmission pole locations at no cost to Salt River Project (SRP) for relocation and maintenance of electrical facilities on the east side of Cooper Road for 2,644 feet south of Queen Creek Road and on the south side of Queen Creek Road for 2,639 feet east of Cooper Road, as recommended by Staff. As part of the development of the Markwood North Subdivision, SRP is required to relocate its 69kV power line facilities out of the proposed roadway to the outside edge of the right-of-way. In order to relocate the line, two easements are required, an aerial easement for the power lines and an easement to install and maintain electrical transmission poles and associated electrical facilities. The aerial easement is for the power lines located 20 feet above the ground and varies from six feet to ten feet wide. The easements for the power poles consist of 15 eight-foot by eight-foot easements for the poles. SRP has documentation that confirms their prior right.

7. DEVELOPMENT PLAN: Cobblestone Square Ordinance #3466

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3466, (DVR03-0002, Cobblestone Square), rezoning from Planned Area Development (PAD) for Multi-Family Residential District (MF-2) to PAD for general, medical, and dental offices, and an Eckerd drug store and physical therapy office with Preliminary Development Plan (PDP) for the approximate 7.38-acre site located on the SEC of Ray Road and McQueen Road. (Applicant: Ed Bull, Burch & Cracchiolo, P.A.; Owner: Fulton Homes.) The property is zoned Multiple-Family Residential District (MF-2), established in 1981, through the Planned Area Development (PAD) zoning for The Provinces Master Planned Community. The development proposal incorporates Commercial Design Standards and The Provinces architectural design guidelines and provides a buffer from adjacent single-family residential with a fifteen-foot perimeter landscape setback.

The development is planned in two phases with Phase One including the Eckerd drug store and Buildings C, D and E along McQueen Road. Offsite improvements will occur in Phase One. Phase Two will include the remaining office complex, Building B and Building J. The PDP includes a comprehensive sign package and the proposed building signage meets Sign Code requirements and additional quality standards for commercial and office development. The developer requested a waiver for the office signage to allow two monument signs having four tenant panels on each side of the sign instead of the maximum two sign panels allowed by Code. The additional sign panels provide business name exposure for interior office tenants and Staff recommended support of the waiver since it is consistent with other approved office complexes.

The case was noticed in accordance with City of Chandler Zoning Code requirements and a neighborhood meeting was held on May 6th. Following that meeting, the developer met with residents several times to discuss the project and Staff is not aware of any opposition to the proposed development. Planning Commission and Staff, upon finding consistency with the General Plan, recommended approval of the rezoning and Preliminary Development Plan, subject to the conditions listed in the ordinance.

8. ANNEXATION: SWC of Chandler Heights & Lindsay Roads Ordinance #3467

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3467, the annexation of approximately 238 acres located on the SWC of Chandler Heights Road and Lindsay Road. (Applicant: Michele Hammond, Early, Curley & Legarde; Owner: Vinson C. Dobson, Dobson Riggs Farm Ltd. Partnership.) The owner of the approximate 238 acres requested the annexation which will incorporate into the City all the property required for a proposed residential subdivision, park, school site and shopping center site. The property is zoned R-43 (Rural Residential) in the County. The City's General Plan Land Use Element designates this property as part of the Southeast Chandler Area Plan for residential development. The property is not within a flood zone or an airport noise contour. The existing home on the site will be demolished.

The City Council held a public hearing on this item on May 22, 2003 and Staff has received the original signed petition from the property owner. The request has been processed in compliance with State Statutes governing annexations and Staff recommended approval of the annexation request.

9. IGA/MCDOT: McQueen Rd. (Queen Creek Rd. to Pecos) Reso. #3653

ADOPTED Resolution No. 3653, authorizing an Intergovernmental Agreement with the Maricopa County Department of Transportation (MCDOT) for funding of improvements to McQueen Road from Queen Creek Road to Pecos Road in an estimated amount of \$3,400,000 as recommended by Staff. This agreement covers the City and County funding contributions for the improvements to McQueen Road from Queen Creek Road to Pecos Road. The total estimated cost of this project is \$9.3 million for right-of-way acquisition, roadway improvements, effluent and water line improvements and construction management. MCDOT is the lead agency for design and construction of this project that will improve the two miles of roadway from two lanes to six lanes. Design is currently 90% complete.

The project will include curb, gutter and sidewalk; streetlights; traffic signals at Pecos, Germann, Queen Creek Roads and Tumbleweed Park; raised medians and flush medians by existing development; and landscaping. Staff actively pursued acceleration of the project by the County so that the road improvements will be in place before the opening of the Santan Freeway (from Arizona Avenue to Gilbert Road) in the summer of 2005. This agreement establishes the County's commitment to start construction in 2004 and complete construction before the Santan opens in 2005. The agreement was reviewed by the members of the Transportation Committee at their June 19, 2003 meeting and they recommended approval by a vote of 4 to 0.

10. AGREEMENT AMENDMENT/CUSD: Auditorium Operating Agreement Reso. #3655
Chandler Center for the Arts

ADOPTED Resolution No. 3655, authorizing Addendum No. 1 (6-15-03) to the Auditorium Operating Agreement between the City of Chandler and the Chandler Unified School District (CUSD) amending the time-sharing of the Chandler Center for the Arts, as recommended by Staff. In 1989, the City entered into an Auditorium Operating Agreement with CUSD, outlining time-sharing for the Center of the Arts with the District having priority Monday morning through Friday at 4:00 p.m. during the school year and the City having priority Friday at 4:00 p.m. through Sunday evening and during the summer months of June 1 through August 15th.

Due to significant changes to the school year over the last few years, the current time-sharing schedule no longer meets the needs of CUSD and District staff contacted Center staff to discuss modifications to the agreement. A Chandler High School staff member was also included in the discussions. CUSD's concern was that the school year now runs past June 1 and begins on July

31st and no longer coincides with the City's contracted priority block of time of June 1 through August 15th. After several meetings and discussions, the arrangement that was determined to be the most equitable for both parties assigns year round priority to CUSD Monday at 7:00 a.m. through Friday at 7:00 a.m., excluding intersession periods in October, December and March; and priority to the City Friday at 7:00 a.m. through Monday at 7:00 a.m. year-round and during the aforementioned intersession periods.

Using the 2003-04 calendar year as a basis for calculation, the proposed time-sharing would yield the equivalent of 180 dates for the City and 186 for the District. The current agreement yields 180 and 185 respectively. The key change is that dates would be spread year-round, with CUSD getting four days per week, excluding three 2-week intersession periods, and the City getting three days per week plus four additional days per week during each 2-week intersession period. There will be fluctuation in comparative date yields from one year to the next, depending on what day of the week each calendar day falls, and what years include the date of February 29th. From the City's perspective, the greater flexibility and increased benefits that will result from the agreement offsets any date variances.

11. LEGAL SERVICES CONTRACT/IGA: Central AZ Water Conservation District Reso. #3658
v. United States of America

ADOPTED Resolution No. 3658, authorizing the Mayor, on behalf of the City of Chandler, to execute the eighth Intergovernmental Agreement (IGA) and the City Attorney to execute the Contract for Legal Services, among the Cities of Chandler, Glendale, Goodyear, Mesa, Scottsdale and Peoria relating to their joint representation in CAWCD v. U.S., by the law firm of Engelman Berger, P.C., as recommended by Staff.

Upon Notice of Completion of the Central Arizona Project ("CAP") system, which was issued by the United States on September 30, 1993, the total capital repayment with CAWCD is required to pay back to the United States for the CAP system was determined to be \$2 billion; however CAWCD asserted that its obligation does not exceed \$1.8195 billion. In July 1995, CAWCD filed suit against the U.S. requesting that the court issue a judicial declaration that CAWCD's capital repayment obligation does not exceed \$1.8195 billion. Their complaint also requested that the court issue a judicial declaration that the federal government is obligated to reimburse CAWCD for operation, maintenance and replacement costs associated with water delivered and reserved for federal purposes. The federal government has refused to acknowledge its obligation for these costs, which have to date been paid by Arizona taxpayers' dollars.

CAWCD's capital costs and the operation, maintenance and replacement costs which is it required to pay, directly impact Chandler through the water rates and tax assessments which are used to pay for CAP water. Should CAWCD be unsuccessful in this action, Chandler's costs of its various sources of CAP water could increase by hundreds of thousands of dollars annually. The U.S. has filed a separate complaint which seeks judgement on these issues and related matters in its favor. The two complaints have been joined in one action entitled Central Arizona Water Conservation District v. United States of America, et al., Case No. CV 95-625-RUC-WDB (EHC). In November 1995, the City Council of Chandler authorized a contract for joint representation with the Cities of Glendale, Goodyear, Mesa, Scottsdale and Peoria by the law firm of Ulrich, Kessler & Anger, P.C. The contract has been extended several times with the last extension occurring on July 29, 2002. Because the Cities' lead counsel, William Anger, recently became a partner in the law firm of Engelman Berger P.C., the most recent contract was assigned to that firm. All of the Cities want to continue to be jointly represented by the law firm of

Engelman Berger, P.C. and Mr. Anger will continue to serve as primary counsel under the contract.

Staff representing the six Cities have recommended a contract for Mr. Anger to continue the settlement-related work with a budget of \$100,000 and this contract will expire upon the completion of the CAP litigation or the Enforceability Date of the settlement of the Gila River Indian Community Claims, whichever event occurs last. The contract may be terminated earlier or extended pursuant to the Cities' direction. In order to limit the total cost to no more than \$100,000 and also to divide equally the cost among the six Cities, each City's percentage of cost was rounded to 16.666% and this will result in costs to Chandler of no more than \$16,666 for the term of the contract.

12. AGREEMENT: Commercial Reinvestment Program/De Leon Plaza Resolution #3659

ADOPTED Resolution No. 3659, approving a Commercial Reinvestment Program between the City of Chandler and the Brokalakis Investments, L.L.C., for the De Leon Plaza, in an amount not to exceed \$42,990.00, as recommended by Staff. The Arizona Avenue corridor is one of the oldest commercial areas in the City. As new retail developments such as Chandler Fashion Center have become major magnets for new tenants and other ancillary uses, older existing shopping centers have begun to experience rising vacancy rates caused by increased competition, tenant relocations, small business closures and greater costs to upgrade older building facilities to meet market standards. To that end, the intent of the Commercial Reinvestment Program is to encourage private investment in older existing retail centers within designated areas of the City that exhibit greater vacancy rates higher than City-wide averages and/or buildings that were constructed at least 15 years ago.

The proposed improvements to De Leon Plaza are compatible with the intent of the Commercial Reinvestment Program and the project will enhance the appearance of the development and over time contribute to the reduction of vacant space. In addition to agreeing to make a number of improvements to enhance the Plaza, Brokalakis Investments will also be constructing a new 2,400 square foot expansion on the site.

13. DEVELOPMENT PLAN: Gym Time

CONTINUED to the August 14, 2003 Regular Council Meeting, DVR02-0038 Gym Time, a request for rezoning from Planned Industrial District (I-1)/Planned Area Development (PAD) Overlay to PAD for a 31,000 square foot children's gymnastics center, along with Preliminary Development Plan approval for building architecture and site layout for an approximate 3.2 gross acres located at 3705 W. Commonwealth Avenue, as recommended by Staff. (Applicant: Scott and Dona Barclay.)

14. DEVELOPMENT PLAN: Timing Extension/Quail Springs

APPROVED, as recommended by Staff, the extension of the timing condition for an additional three years on Case DVR03-0004 Quail Springs, for the 55-acre single family residential subdivision with 141 lots located east of the SEC of Ocotillo and Gilbert Roads. (Applicant: Jake Curtis, Burch and Cracchiolo; Owner: John Whitrock, Courtland Homes.)

On June 28, 2001, the 55-acre property was rezoned from Agriculture to Planned Area Development, along with Preliminary Development Plan approval for the subdivision layout. The ordinance rezoning the property included the standard condition that "construction shall

commence above foundation walls within two (2) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification." The developer requested an extension to the timing condition so the property's existing zoning may continue in effect.

The request was noticed in accordance with the requirements of the Chandler Zoning Code and to date no objections have been received from the surrounding neighborhood or property owners. A neighborhood meeting was held on May 1, 2003 and two neighbors, who supported the development, were in attendance. Planning Commission and Staff, upon finding consistency with the General Plan, Southeast Chandler Area Plan and Section 19 Area Plan, recommended approval of the request to extend the timing condition for three years with all of the conditions in the original approval (Ordinance #3277) remaining in effect.

15. PRELIMINARY DEVELOPMENT PLAN: Lantana Ranch Marketplace Sign Package

APPROVED, as recommended by Staff, Preliminary Development Plan (PDP) for a comprehensive sign package for building mounted and gas station signage within Lantana Ranch Marketplace, located on the NEC of McQueen and Ocotillo Roads. (Applicant: Evergreen Devco, Inc., Tim O'Neil.) The property received rezoning approval for commercial uses with Preliminary Development Plan approval for a grocery-anchored neighborhood shopping center, including gasoline sales, in March 2002. The approval included a stipulation that building mounted signage and gas station signage required a comprehensive sign package approval through a separate Preliminary Development Plan.

The proposed sign criteria conforms to the City's Sign Code, which allows a maximum 2.0 square feet of sign area per linear foot of building frontage, not exceeding 250 square feet in sign area. Additionally, the letter size is limited for all wall-mounted signage and corporate logos are limited to 25% of the total allowable sign area. The sign criteria does not restrict letter colors, letter style or logos but does limit the location, letter size and maximum sign area. The original PDP approved a 14-foot, three-tenant panel monument sign and three 6-foot, two-tenant panel monument signs. The proposed 6-foot gas station monument signs will replace the two previously approved 6-foot signs located at the intersection of Ocotillo and McQueen Roads. The architecture of the grocery store and surrounding shops created natural sign bands. The proposed sign package utilizes these locations throughout the buildings. Additionally, the gas canopy signs are integrated into the architectural elements and there are no signs proposed for the small convenience store.

Planning Commission and Staff, upon finding consistency with the General Plan, recommended approval subject to the following condition:

1. Development shall be in substantial conformance with the Development Booklet entitled "Preliminary Development Plan for Signage for Lantana Ranch Marketplace," kept on file in the City of Chandler Current Planning Division, in File No. PDP03-0005 LANTANA RANCH MARKETPLACE, except as modified by condition herein.

16. PRELIMINARY DEVELOPMENT PLAN: Kyrene Crossings - Lot A

APPROVED a request (PDP03-0010 Kyrene Crossings - Lot A), to amend an existing Preliminary Development Plan to change the building size and configuration for Lot A, a 0.78-acre site

located on the SEC of Kyrene Road and Chandler Boulevard, as recommended by Staff. (Applicant/Developer: Whitneybell Architects/11+Corners, LLC.) The property was zoned in March 2000 for mixed-use commercial development featuring an innovative "village" concept made up of clusters of small-scale, single-story buildings. The site is currently approved for commercial, retail, restaurant, office space and a pharmacy.

The proposed 6,100 square foot building for Lot A is approximately 24% larger than the currently approved 4,624 square foot building. The new layout will not change the circulation or the traffic flow on the site. The proposed perimeter treatment, smaller parking areas and the increased building setbacks are consistent with the approved PDP. Parking has been displaced by the larger building area with additional spaces along the boulevard drive. Parking for the Lot A building is adequate, with shared parking provided throughout the commercial center at a ratio of 5.8 spaces per 1,000 square feet of building area.

The applicant has met with or notified the residential neighbors that adjoin the property at Lot A and has not received any opposition to the proposal. To date, Staff has not received any comments or phone calls on the application. Planning Commission and Staff, upon finding consistency with the General Plan, recommended approval with the following condition:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Kyrene Crossings," kept on file in the City of Chandler Planning Services Division, File No. PDP03-0010, except as modified by condition herein.
17. HOUSING: Subordination of Housing Rehabilitation Lien - 401 East Oakland Street (Quezada)

APPROVED the subordination of the Housing Rehabilitation lien on the property located at 401 East Oakland Street, (Project #94-8-5) as recommended by Staff. The single-family, owner-occupied home was rehabilitated under the City of Chandler's Housing Rehabilitation Program in 1995. A lien was placed against the property by the City in the amount of \$22,534.00. This lien is in the form of a 10-year forgivable loan with the current balance at \$9,016.00.

The owner is in the process of refinancing the first mortgage in order to reduce her monthly payments and consolidate other monthly debts. The total amount of the new loan would be no more than \$78,750.00. In order to obtain the loan, a subordination of the City's lien is required by the lending institution. The City's lien is currently in second position and would remain in second position after the subordination. The property has an appraised value of approximately \$105,000, which is more than the combined encumbrances of the City's lien and the new first mortgage.

18. HOUSING: Adoption of the Rules of Procedure - Public Housing Authority Commission

APPROVED the adoption of the Rules of Procedure for the Public Housing Authority Commission (PHAC), as recommended by Staff and the members of PHAC. Pursuant to Ordinance No. 3436, PHAC had the authority to adopt Rules of Procedure which set forth the operation and structure of the Commission. The Rules of Procedure have been adopted by PHAC and are now being presented to the City Council for review and approval.

The rules were reviewed and approved to form by the City Attorney's Office and they establish protocol for the conduct and order of meetings and establish guidelines for the Commission.

19. HOUSING: Federal HOME Programs Funds - Renovations at 831 & 855 W. Ray Road

APPROVED the use of a total of \$72,000.00 in Fiscal Year 2003-04 Federal HOME Program funds for use in the renovation of five units of rental housing located at 831 and 855 West Ray Road and by a local non-profit agency, Community Services of Arizona, as recommended by Staff. The City of Chandler, through its participation in the Maricopa HOME Consortium, receives an annual entitlement of HOME Program funds from the U.S. Department of Housing and Urban Development. The HOME Program provides funds for use in Housing Rehabilitation as well as the creation of affordable housing within communities.

Community Services of Arizona (CSA) has used funds from Maricopa County as well as private lenders to acquire five units of housing located at 831 and 855 West Ray Road. The units were constructed in 1981 and 1982 respectively and are in sub-standard condition. The properties are a duplex and a triplex and contain five apartments, all of which are two bedrooms and one bath. Each duplex is individually deeded and platted at this time. CSA will use the \$72,000 in City of Chandler HOME funds in conjunction with private financing to rehabilitate the properties. The \$72,000 will be in the form of a twelve year, deferred loan with no repayment required unless the property is sold, its use changes or ownership is transferred in some other way. In addition, CSA will deed approximately ten feet of right-of-way along Ray Road to the City of Chandler for future road expansion. Rents for the units would remain affordable to persons of moderate income. CSA will provide on-going site management (per federal guidelines) as well as professional property maintenance (per local codes).

20. COMMERCIAL INSURANCE PROGRAM RENEWAL: Risk Management Annual Report

APPROVED the purchase of a program of commercial insurance coverage and services (insurance policies, bonds and services) from various firms in the combined amount of \$973,965, (net of commission) effective July 1, 2003, as recommended by Staff. Commercial property/casualty rates are still rising, however, there are signs of softer markets in the future. Insurance for municipalities and airports also continued to rise during the period. The Council of Insurance Agents and Brokers' Commercial Insurance Market Index reported property and casualty rate increases of 10% to 30%.

Last year Staff recommended, and Council approved, commercial insurance umbrella to the \$25,000,000 layer of reinsurance in excess of the City's \$2,000,000 self-insured retention. Staff recommends maintaining our current liability limit of \$25,000,000 with the Insurance Company of State of PA, Evanston Insurance Company and Westchester Surplus Insurance Co as the City's liability insurance provider's for a 2003-04 premium of \$567,037. In addition, Staff recommends renewing the property coverage with St. Paul Fire & Marine for a premium of \$262,007 including terrorism risk insurance; renewing the Crime policy with Hartford for \$10,958; renewing the Underground Storage Tank liability policy (including terrorism) with Commerce & Industry Insurance Company for \$17,298; and maintaining the \$50,000,000 coverage limit under the airport owners and operators liability insurance for \$30,992.

21. SYSTEM DEVELOPMENT FEES: Update & Notice of Intention to Adjust Fees & Set the Date for Public Hearing

ACCEPTED the System Development Fee Update reports and APPROVED the Notice of Intention to adjust System Development Fees and set the date for the Public Hearing for August 28, 2003, as recommended by Staff. The City began assessing System Development Fees on January 21, 1997. City Code requires that these fees be updated annually. Every two years, the City hires a consultant to review the fees to reflect current demographic and financial data. For

the interim years, a cost of living adjustment is made. This year's update reflects the consultant's update; a cost of living adjustment was made in March of 2002.

The proposed increase to the System Development Fees is based on the maximum allowable fees outlined in the consultant reports. The new fees are slated to go into effect on January 1, 2004. In order to allow community input and discussion on the adjusted System Development Fees, a presentation was made at a special Homebuilder Association meeting held on June 23, 2003. The Advance Notice of Intent will be published in the Arizona Republic showing the date, time and place of the Public Hearing to be held on August 28th and press releases will be sent to all local media contacts. In addition and in compliance with State Statutes, a copy of the proposed System Development Fees will be made available by filing with the City Clerk and a copy will also be made available at the Downtown Public Library.

22. AGREEMENT EXTENSION: Clean Harbors (Formerly Safety Kleen) - Household
Hazardous Waste Collection Events

APPROVED the one-year extension of an agreement (SW2-0509-1795) for Household Hazardous Waste collection events with Clean Harbors (formerly Safety Kleen) in an amount not to exceed \$66,200, as recommended by Staff. The City of Chandler has been hosting household hazardous waste collection events twice a year for approximately nine years. The goal of these events is to collect household hazardous waste in an effort to keep this material out of the landfill, thus reducing concerns about groundwater contamination and other potential environmental hazards. These events also provide residents a convenient, safe and proper method for the disposal of household hazardous waste materials. Contract pricing is determined by the quantity of various materials generated at each collection event. During fiscal year 2002-03, Chandler's collection events diverted 60,069 pounds of household hazardous waste.

In September 2001, the City Council awarded an agreement to Clean Harbors and the agreement was for a term of two (2) years with provisions to extend for an additional three (3) one-year periods. Clean Harbors has agreed to extend for the first year at the current price and Staff is satisfied with the service provided by the company.

23. PROFESSIONAL SERVICES AGREEMENT AMEND.: Electronic Document Mgmt.
Systems Consultant Services

APPROVED an amendment to the agreement for Electronic Document Management Systems (EDMS) consultant services with Binary Office for the on-going Citywide presentation of the EDMS project in an amount not to exceed \$108,000, as recommended by Staff. An electronic document imaging system was purchased in February 2002 to improve efficiency in handling such documents. The system provides for efficient storage and retrieval of documents electronically.

The Information Technology Division has requested that Binary Office complete the consultant services for project management and implementation. Binary Office was hired for project management and implementation to start the second phase of the Citywide solution for EDMS in the amount of \$30,000. Binary Office was originally selected based on their experience and qualifications with implementing the Legato EDMS solution. The addition of the \$108,000 will exceed the \$30,000 limit, which requires Council approval.

24. ARCHITECTURAL SERVICES CONTRACT AMEND. #1: Info. Tech. Bldg. Renovation &
Expansion

AWARDED an architectural services contract amendment No. 1 to BPLW Architects for the Information Technology Building renovation and expansion project (No. GG0202-201) located at 275 E. Buffalo Street, in an amount not to exceed \$36,100, as recommended by Staff. The project originally was to renovate 6,600 square feet of the existing information technology building and to construct a 7,500 square foot addition. Renovating and expanding the existing building rather than constructing a new facility eliminates the high costs of creating a new computer room, moving the City's fiber optic cable network and purchasing more land.

This contract amendment is required for construction administration services (i.e. shop drawing review and close out) and additional design necessary to increase the 7,500 square foot addition by 2,200 square feet, to a total of 9,700 square feet. This additional building area will provide space for staff growth, computer room expansion, and an information technology classroom. Cost savings will be realized by providing space for the geographic information systems office and a classroom for which the City is currently leasing space.

25. CONSTRUCTION CONTRACT: AJP Electric, Inc. - Chandler Downtown Lighting Improvements, Phase 2

AWARDED a construction contract to AJP Electric, Inc. for the Chandler Downtown Lighting Improvements Phase 2 (Project No. DT0204-401), in an amount not to exceed \$314,500, as recommended by Staff. Phase One of the downtown lighting improvements, which was completed in 2001, included upgrading existing street lights to metal halide lamps, installing metal halide lamps and high efficiency fluorescent lamps around the square, installing colonnade lighting on Buffalo Street, Boston Street, and San Marcos Place and installing new pedestrian fixtures and new fiber optic lighting of landscape features in the Dr. A.J. Chandler Park.

This project includes additional period lighting fixtures on Boston Street, Commonwealth Avenue, Buffalo Street and San Marcos Place to match those used in Phase 1. It also includes colonnade sign up-lights and down-lights, colonnade sign spot lights and colonnade pendant lighting to the downtown area colonnades. Total construction contract time is 60 calendar days with an estimated completion of September 2003. City staff will perform construction administration.

26. CONSTRUCTION CONTRACT: Manhole Rehabilitation

AWARDED a construction contract to Structural Rehabilitation Systems, Inc. for manhole rehabilitation (Project No. WW0315-401) in an amount not to exceed \$99,700, as recommended by Staff. The City now has an on-going operation and maintenance program to clean and repair these structures and coat them to prevent further deterioration. This project includes the repair and coating of twenty-five (25) manholes located throughout the City. This is an on-going annual maintenance project. The City has been repairing 20 to 25 manholes per year over the past five years. The contract time is 90 calendar days and City staff will provide construction management.

27. CONSTRUCTION CONTRACT: Reclaimed Water Transmission Line, Queen Creek Rd.

AWARDED a construction contract to Highland Engineering for the construction of approximately two miles of 36-inch reclaimed water transmission main on Queen Creek Road, Project No. WW0214-401, in an amount not to exceed \$1,836,107, as recommended by Staff. The City's Reclaimed Water Master Plan identified a need to use effluent from the City's wastewater treatment facilities for irrigation of turf and landscaped areas constructed by developers. The

Master Plan recommended the installation of transmission lines at regular intervals in order to deliver reclaimed water to the developments in the southeast portion of the City. This contract provides for the construction of approximately two miles of 36-inch reclaimed water transmission main along Queen Creek Road from the Airport Reclamation Facility at McQueen Road to Gilbert Road. The scope of work includes pavement replacement/repair of westbound lane from Cooper Road to McQueen Road. Developer will construct a new three-lane road eastbound and a new one-lane road westbound from Cooper Road to Gilbert Road. The contract time is 270 calendar days and City staff will provide construction management.

28. CONSTRUCTION CONTRACT: Los Arboles Park

AWARDED a construction contract to G & G Construction Co., for Los Arboles Park, Project No. PR0131-401, in an amount of \$648,294, as recommended by Staff. Los Arboles Park is a 12-acre park located east of Tumbleweed Park in the square mile bounded by Germann, Cooper, Queen Creek and McQueen Roads. This park site was purchased in 1999 and recently annexed into the City of Chandler. This park will have an agricultural theme and link the Paseo trail System along the Consolidated Canal to Tumbleweed Park. During the initial design of the park, Staff solicited input from the residents adjacent to the park. Improvements included in this contract are site work/grading, a 10-foot concrete multi-use path, a ten-foot granite equestrian path, irrigation, site furnishings, water trough, landscaping and security lighting. Time for completion is 125 calendar days after receipt of Notice to Proceed and City staff will provide construction inspection.

29. PROJECT AGREEMENT: New Public Parking Lot - 230/236 S. Arizona Avenue

AWARDED a project agreement to SDB, Inc. for the construction of a new public parking lot along Arizona Avenue at 230/236 S. Arizona Avenue (Project No. DT0303-401) in an amount not to exceed \$65,400, as recommended by Staff. The City of Chandler is committed to the revitalization and redevelopment of the Historic Downtown Chandler area. As part of this effort, the City purchased two older, deteriorating buildings that had stood vacant for a long period of time. The two buildings were then demolished and the lot is currently vacant. The shops along Wall Street at Olde Towne Market Square are a group of shops in a garden setting that were converted from original Chandler homes in an area one block south of the historic district surrounding Dr. A.J. Chandler Park. Access, visibility and adequate parking have been a challenge for this area. Direct access from Arizona Avenue will be created with the project, along with an additional 15 parking spaces and increased visibility from the traffic on Arizona Avenue.

The same period lighting that is found around the historic square will be incorporated into the project. Also, the monument sign ties in elements from the monument sign in Dr. A.J. Chandler Park and the Historic Downtown Chandler directional signs currently in production. These elements help to create a stronger link for the area to the shops and restaurants located in the historic district.

30. CONTRACT: Greater Phoenix Economic Council - Fiscal Year 2003-04

MAYOR DUNN commented on the fact that this agenda item deals with a very important partnership that the City has with GPEC and noted that the Director Rick Weddle, is present this evening. The Mayor commented on the fact that for a number of years, the City and GPEC have worked extremely well together and have proven that it is possible to make visions come true.

MR. WEDDLE thanked Mayor Dunn, the Council and Staff for their ongoing support and reiterated GPEC's commitment to continue to support the City and enhance economic development opportunities. He commended the Mayor on his leadership abilities and accomplishments in serving as a member of GPEC's Board and said that he looks forward to continuing to work with Chandler for many years to come.

APPROVED the proposed Fiscal Year 2003-04 contract for regional economic development services with the Greater Phoenix Economic Council (GPEC) in the amount of \$68,820, as recommended by Staff. The City of Chandler and other communities within Maricopa County contract with GPEC on an annual basis to provide regional economic development services. The City of Chandler and other major cities have contracted with GPEC since 1989 to conduct marketing and business lead generation activities for the Greater Phoenix market. City Economic Development staff participates with GPEC on regional economic development activities, including formulating GPEC's annual Action Plan. In addition, Staff participates on the Economic Development Director's Team (EDDT), made up of the leading economic development professionals from each of the 12 member organization communities, Arizona State University, Maricopa Community College District, Arizona Public Service and Salt River Project.

Over the past two years, GPEC has played a significant role in the Greater Phoenix Business Leadership Coalition made up of 9 regional groups working to make the Greater Phoenix market a better place to work and live in the future. The current contract contains identifiable and measurable performance targets for GPEC, with a monthly and quarterly reporting mechanism built in. Staff anticipates that GPEC will meet or exceed all of the regional performance targets contained in the Fiscal Year 2002-03 contract.

31. CONTRACT: Removal of 17 Duplexes - Ray Rd. Between Arrowhead Dr. & Alma School Drive

AWARDED a contract to Breinholt Contracting Company, Inc. for removal of 17 duplexes on Ray Road between Arrowhead Drive and Alma School Road, Project No. ST0202-402, in an amount not to exceed \$69,231, as recommended by Staff. The Council approved project ST0202-201 for design and construction for Ray Road improvements from Arrowhead Drive to Alma School Road. The scope of work includes demolition or relocation of 17 duplexes to clear the right of way for the construction of a third eastbound lane. The contractor currently plans to relocate most of the duplexes and will demolish the remainder. The City currently owns 11 duplexes, is completing the purchase of 3 others and is negotiating the purchase of the final 3. The City Real Estate Staff anticipates ownership of all 17 duplexes by September 1, 2003. The contractor will begin to remove the vacant duplexes in August and will complete the project before January 1, 2004.

32. CONTRACT: Electromagnetic Flow Meters

AWARDED a contract for electromagnetic flow meters (Bid No. WD3-220-2034) to Harrington Industrial Plastics in an amount not to exceed \$120,769, as recommended by Staff. Based on a recommendation from the consultant updating the Water Master Plan, all of the water production well sites electromagnetic flow meters need to be replaced. The need was for a meter to give accurate flow readings in all of the various sizes of pipe configurations, which make up the City's well and booster station system. A meter was also needed that had the ability to communicate with the Foxboro SCADA system at the CWTP remote readings. The Toshiba Mag Meter meets all of the needed criteria. This is a one-year contract with provisions to extend for four one-year periods. The contract term will begin July 1, 2003.

33. CONTRACT: Transportation of Sludge

AWARDED contract WA3-0421-2034 for transportation of sludge to Fleet Transportation Services, in an amount not to exceed \$337,200, as recommended by Staff. The requested contract provides for the transportation of sludge generated at the City's water and wastewater plants as well as waste collected by street sweeping operations. The recommended contractor will transport an estimated 32,000 tons of sludge and sweepings to Waste Management's Butterfield Station for disposal under a separate contract. The contract will be for a one-year term beginning September 1, 2003, with provisions to extend for up to four additional one-year periods.

34. CDBG AGREEMENT: ICAN - Renovation of Youth Facility

APPROVED an agreement with Improving Chandler Area Neighborhoods (ICAN) in the amount of \$40,000 to provide costs associated with the renovation of their youth facility located at 203 South Washington Street in Chandler, as recommended by Staff. At a public hearing on April 24, 2003, the City Council approved an allocation of \$40,000 in Fiscal Year 2003-04 Community Development Block Grant (CDBG) funds to aid in the renovation of this facility.

ICAN is a non-profit organization that provides youth and teen programs to low and moderate income children in Chandler. The organization provides positive role models, educational opportunities, counseling, prevention/intervention, outreach/recreation and referral. The program serves approximately 200 low income youth annually. All costs associated with the CDBG Program will be paid by the U.S. Department of Housing and Urban Development and do not require repayment on the part of the City of Chandler.

35. CDBG AGREEMENT: Community Services of Arizona - Senior Meals Program

APPROVED an agreement with Community Services of Arizona (CSA) in the amount of \$20,000 to help offset costs associated with the Senior Meals Program, as recommended by Staff. At a public hearing on April 24, 2003, the City approved an allocation of \$20,000 in Fiscal Year 2003-04 Community Development Block Grant (CDBG) funds to fund CSA for costs associated with operating the Senior Meals Program.

The Senior Meals Program offers nutritious meals in the congregate setting of the Chandler Senior Center, as well as delivers hot meals to Chandler's frail and elderly citizens. The program has provided congregate and home delivered meals and related social service activities to an average of 400 senior persons each year since 1986. All costs associated with the CDBG Program will be paid by the U.S. Department of Housing and Urban Development and do not require repayment on the part of the City of Chandler.

36. CDBG AGREEMENT: Community Services of Arizona – Community Action Program

APPROVED an agreement with Community Services of Arizona (CSA) in the amount of \$300,000, to provide for costs associated with the construction of the new Community Action Program facility, as recommended by Staff. At a public hearing on April 24, 2003, the City approved an allocation of \$300,000 in Fiscal Year 2003-04 Community Development Block Grant (CDBG) funds to CSA for costs associated with the construction of the new facility.

CSA of Arizona assists more than 10,000 persons annually with a variety of human services programs as well as homebuyer counseling, financial aid assistance and senior services. Much

of that activity takes place at CSA's main office location, 670 North Arizona Avenue, and the CAP Office at 77 West Chicago Street. CSA is at the end of their seven-year lease period at the Arizona Avenue site and have outgrown their existing space. The West Chicago Street building is very old, somewhat unsafe, and functionally obsolete. The allocation of \$300,000 is to assist in the acquisition of a site for the new CAP Office and to help offset certain predevelopment and soft cost fees. All costs associated with the CDBG Program will be paid by the U.S. Department of Housing and Urban Development and do not require repayment on the part of the City of Chandler.

37. CDBG AGREEMENT: Community Services of Arizona - Enterprise Academy Daycare

APPROVED an agreement with Community Services of Arizona (CSA) in the amount of \$50,000, to provide for costs associated with the renovation of their playground at the daycare facility located at 73 S. Hamilton Street in Chandler. At a public hearing on April 24, 2003, the City Council approved an allocation of \$50,000 in Fiscal Year 2003-04 Community Development Block Grant (CDBG) funds to CSA for costs associated with the renovation of the playground at Enterprise Academy Daycare facility.

Enterprise Academy provides quality, professional childcare to children ages 1 month to 13 years. Over 170 families enrolled at the Enterprise Academy are low income and 70 families live in Chandler's Public Housing. The daycare's playground is currently outdated and the much needed repairs would add to the variety of playground activities and enhance the value of the year-round educational and recreational programs currently operating at Enterprise Academy. All costs associated with the CDBG Program will be paid by the U.S. Department of Housing and Urban Development and do not require repayment on the part of the City of Chandler.

38. CDBG AGREEMENT: Community Services of Arizona - Homeless Prevention Program

APPROVED an agreement with Community Services of Arizona (CSA) in the amount of \$20,000, to provide for costs associated with the Homeless Prevention Program. At a public hearing on April 24, 2003, the City Council approved an allocation of \$20,000 in Fiscal Year 2003-04 Community Development Block Grant (CDBG) funds to CSA for costs associated with operating the Homeless Prevention Program.

The Homeless Prevention Program provides emergency rental assistance to members of households who are at risk of becoming homeless. The goal of the program is to prevent homelessness and promote self-sufficiency and family stability by assisting families with their specific objectives. The program has been in operation since 1990 and currently assists over 50 Chandler low income families. All costs associated with the CDBG Program will be paid by the U.S. Department of Housing and Urban Development and do not require repayment on the part of the City of Chandler.

39. CDBG AGREEMENT: Community Services of Arizona - Emergency Home Repairs Program

APPROVED an agreement with Community Services of Arizona (CSA) in the amount of \$180,000, to provide for costs associated with the Chandler Emergency Home Repairs Program. At a public hearing on April 24, 2003, the City Council approved an allocation of \$180,000 in Fiscal Year 2003-04 Community Development Block Grant (CDBG) funds to CSA for costs associated with operating the Emergency Home Repairs Program.

Community Services of Arizona provides up to \$5,000 (additional funds per City approval) in emergency related home repairs for eligible, owner-occupied, single-family homes throughout the City. The repairs are to the heating and cooling, plumbing systems and/or to correct a dangerous electrical problem. The program has been providing these services since 1991 and it is anticipated that at least 35 homeowners will benefit from this program. All costs associated with the CDBG Program will be paid by the U.S. Department of Housing and Urban Development and do not require repayment on the part of the City of Chandler.

40. CONTRACT: Temporary Services

APPROVED the use of the State of Arizona Contract for temporary services from Kelly Services, Staffmark Staffing Services, Corporate Job Bank and Randstad in a total amount not to exceed \$275,000, as recommended by Staff. Temporary services are used throughout the year primarily for short periods of time for vacancies, sick leave, vacations, special projects, etc. While there is no written policy concerning the use of temporary employees, departments annually do a cost/benefit analysis to determine if utilization of a full time or regular part time employee would be most beneficial. Review and analysis is done during the budget process by each department when considering personnel needs for the next Fiscal Year. When applicable, volunteers, COE's and grants are used to defray some of the costs for temporary services.

41. CONTRACT: Purchase of Cellular Airtime Services

Councilmember Wallace noted that she had requested additional information relative to this agenda item and Staff had responded with more data. Mr. McDermott assured Councilmember Wallace that phone bills are reviewed on a monthly basis in an effort to identify trends and keep expenses at a minimum. He agreed with the importance of continuing to proceed in this manner.

APPROVED the use of the State of Arizona Contract with Verizon Wireless (AD010075-003) for the purchase of cellular airtime services in an amount not to exceed \$240,000, as recommended by Staff. Several departments are using cellular airtime services. The City has approximately 457 cellular phones under service with Verizon Wireless. Budget estimates vary due to user requirements in the field and whether phones are used for emergencies only. The Arizona State Procurement Office has bid cellular airtime services and equipment and an award has been made to Verizon Wireless. Plans start at \$6.96 per month for service plus calls and continue upward in base cost and number of minutes per plan. The contract includes both digital and analog service.

42. CONTRACT: Purchase of Pager Services

APPROVED the use of the State of Arizona Contract with Arch Wireless (AD020017-001) for the purchase of pager services in an amount not to exceed \$48,000, as recommended by Staff. Pager services are currently being utilized by several departments throughout the City. The City has approximately 530 pagers under service with Arch Wireless. Approximately 315 of the pagers are utilized by the Police Department for specialty teams such as SAU, the neighborhood response team and the criminal investigation section. The Arizona State Procurement Office has bid pager services and an award has been made to Arch Wireless. Plans start at \$2.50 per month, which includes rental of a numerical digital pager and unlimited calls. Alphanumeric pagers (users receive messages on a pager screen) are \$8.00 per month.

43. LIQUOR USE PERMIT: Nothing But Noodles

APPROVED a request for a Liquor Use Permit for a Series 12 Restaurant License at a new restaurant to be located at 2040 S. Alma School Road, Suite 3, on the SWC of Germann and Alma School Roads. (Applicant: AZIA Concepts LLC, Ron Yee; Owner: San Tan Festival, LLC.) The restaurant will be located within the Shoppes at Clemente Ranch Shopping Center, which was approved in November 2001. The applicant is aware of the approved stipulations limiting the size of the restaurant to 3,500 square feet, prohibiting fryers and prohibiting Series 6 Liquor License. The 2,740 square foot restaurant will have a seating capacity of 62 and anticipates opening July of 2003 and operating Sunday through Thursday 11 a.m. to 9 p.m. and Friday and Saturday 11 a.m. to 10 p.m. Deliveries will be between 6 a.m. and 11 p.m. The Use Permit will be used in association with a Series 12 Restaurant Liquor License, which allows the sale of all liquor and requires a minimum of 40% of total sales to be in food and non-alcoholic beverages. The request was noticed in accordance with the requirements of the City of Chandler Zoning Code and to date Staff has received one telephone call from a resident verifying that this Use Permit would operate in conjunction with the previously approved stipulations for this site. Planning Commission and Staff, upon finding consistency with the General Plan, recommended approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 12 license only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. Th Use Permit is non-transferable to any other store location.

44. LIQUOR LICENSE: Nothing But Noodles

APPROVED the issuance of City of Chandler Series 12 Restaurant Liquor License (#300000570) and that a recommendation for approval of State Liquor License No. 12075454 for Randy D. Nations, Agent, M. C. Noodles, LLC, dba Nothing But Noodles, at 2040 S. Alma School Road, #3, be forwarded to the State Department of Liquor Licenses and Control. The Police Department reported no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. With a Series 12 Restaurant Liquor License, the business may sell all liquors for on-premise consumption only, with a minimum of 40% of the gross receipts from the sale of food.

45. LIQUOR LICENSE: Coaches Corner

APPROVED the issuance of City of Chandler Series 12 Restaurant Liquor License (#300000578) and that a recommendation for approval of State Liquor License No. 12075496 for Tracey Jean Peters, Agent, Coaches Corner LKLC, dba Coaches Corner, at 6403 W. Chandler Boulevard be forwarded to the State Department of Liquor Licenses and Control. The Police Department reported no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. With a Series 12 Restaurant Liquor License, the business may sell all liquors for on-premise consumption only, with a minimum of 40% of the gross receipts from the sale of food. Planning and Development advised that a new Use Permit was not required since this will be a continuation of the location's previous use as Hoosier Cafe.

46. LIQUOR LICENSE: Cafe Santa Fe

APPROVED the issuance of City of Chandler Series 12 Restaurant Liquor License (#300000579) and that a recommendation for approval of State Liquor License No. 12075519 for Maria De La

Luz Orozco, Agent, Cafe Santa Fe, at 393 West Warner Road, Suite 103, be forwarded to the State Department of Liquor Licenses and Control. The Police Department reported no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. With a Series 12 Restaurant Liquor License, the business may sell all liquors for on-premise consumption only, with a minimum of 40% of the gross receipts from the sale of food.

47. LIQUOR LICENSE: Godfather's Pizza

APPROVED the WITHDRAWAL of a request for the issuance of a City of Chandler Series 12 Restaurant Liquor License for Daniel Patrick Engelke, Agent, MAK Restaurants, Inc., dba Godfather's Pizza, at 4929 West Chandler Boulevard, as recommended by Staff. On May 19, 2003, the applicant submitted a notice to withdraw the application for a Series 12 Liquor License.

48. LIQUOR LICENSE: India Gate

CONTINUED to the July 24, 2003 City Council Meeting, a request for a City of Chandler Series 12 Restaurant Liquor License for Sarwan Singh, S&RS LLC, dba India Gate, at 6245 West Chandler Boulevard, Suite #1, as recommended by Staff. The continuance was requested to allow the applicant time to complete the requirements for a new Use Permit.

49. SPECIAL EVENT LIQUOR LICENSE: Chandler Lion's Club

APPROVED the issuance of a City of Chandler Special Event Liquor License for the Chandler Lions Club and that a recommendation for approval of a State Special Event Liquor License be forwarded to the State Department of Liquor Licenses and Control. The Chandler Lions Club plans to host a 4th of July celebration on Friday, July 4, 2003 from 3 p.m. until 12 a.m. at Tumbleweed Park, 2250 South McQueen Road. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reported no objections to the issuance of the license and as the applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

50. SPECIAL EVENT LIQUOR LICENSE: Friends of Animal Care & Control

APPROVED the issuance of a City of Chandler Special Event Liquor License for the Friends of Animal Care and Control for Best in Show, and that a recommendation for approval of a State Special Event Liquor License be forwarded to the State Department of Liquor Licenses and Control. The Friends of Animal Care and Control for Best in show plan to host a pet adoption fundraiser, on Saturday, July 5, 2003, from 6 p.m. until 9 p.m. at 1989 West Elliot Road, #19. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reported no objections to the issuance of the license and as the applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

51. CONDOMINIUM PLAT: North Delaware Condominiums

APPROVED a request for a condominium plat (CPT03-0001 North Delaware Condominiums) for a 1.2-acre parcel with one industrial building divided into three condominiums located south of the SEC of Delaware and Nevada Streets. (Applicant: North Delaware Investors, L.L.C.) The request is to subdivide a building into three individually owned tenant spaces. The building is part

of the Arizona Corporate Park. The plat creates the lots, tracts and necessary easements and dedicates the required right-of-ways. Upon finding the request to be consistent with the General Plan and PAD zoning, Staff recommended approval.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER CACCAMO, to approve the Consent Agenda as presented. MOTION CARRIED UNANIMOUSLY (7 to 0).

ACTION AGENDA

There were no items on the Action Agenda.

PUBLIC HEARING:

PH1. ANNEXATION - 68 Acres at the NWC of Gilbert and Chandler Heights Roads

MAYOR DUNN declared the Public Hearing open at 8:05 p.m.

THOMAS RITZ provided a brief overview of the proposed annexation and stated that the City's General Plan Land Use Element designated this property as part of the Southeast Chandler Area Plan for community/regional open space. He noted that part of the property was within a flood zone and the flood zone, as well as other drainage requirements, will need to be addressed at the time of development. He added that the property is not within an airport noise contour. Mr. Ritz explained that a portion of the property is proposed for office and commercial uses at the corner of Gilbert Road and Chandler Heights Road, with the remainder remaining as an outfall basin for the Roosevelt Water Conservation District's Eastern Canal. He noted that the existing home on the site will be demolished.

There being no speakers wishing to address the Council relative to this issue, the Mayor declared the public hearing closed at 8:06 p.m.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that he had received word yesterday that Chandler Special Olympian Bryan Lambke and his father Tom, had received a gold medal in their division in Unified Bowling at the World games in Dublin, Ireland. He congratulated both of them on their accomplishment and noted the pride that the citizens of Chandler felt being represented at the games by two such dedicated, talented and caring individuals.

The Mayor invited everyone to attend the Chuparosa Park dedication Saturday, June 28th at 10 a.m. and noted that the 27-acre park is located on Dobson Road, south of Germann Road, across from Dugan's Dairy. He commented on the fact that the opening of the park is great news for residents of west Chandler who have been eagerly awaiting the completion of the park. He announced that Chuparosa Park is Chandler's 49th park.

MAYOR DUNN thanked everyone who organized and participated in Monday's groundbreaking ceremony for Chandler Fire Station #8.

The Mayor also discussed Chandler's upcoming "old fashioned" Fourth of July celebration that will take place on Friday, July 4th at 4 p.m. at Tumbleweed Park (Germann and McQueen

Roads). He noted that there will be music, a kid's area, food and beverages, many vendors and a fireworks show. He noted that the celebration is being hosted by the Chandler Lion's Club and thanked that organization for their excellent contributions to the entire community. He noted that City offices will be closed on Friday, July 4th, and wished everyone a happy and safe holiday.

MAYOR DUNN advised that the next Council meeting will be held on Monday July 21st and will feature both a Study Session and a Regular Council meeting on the same evening.

The Mayor said that the Museum Advisory Board has informed him that the City has the privilege, over the next few days at the San Marcos Resort, of hosting the State Historic Preservation Convention and said he has the honor of presenting opening remarks at that wonderful event. He noted that it is called "A Sense of Place" and commented on the appropriateness of holding that event at this location. He added that the Museum Advisory Board will hold a panel discussion tomorrow on Chandler's history and the park's program and encouraged attendance at that event as well.

The Mayor also commented on the fact that this evening's meeting would be the final one covered by Tribune reporter Zarana Sanghani and said that she is taking some time off to journey to India and pursue other interests. He thanked her for her coverage of the City of Chandler and said he hoped she had a wonderful journey and experience in India.

B. Councilmembers' Announcements:

There were no Councilmembers' Announcements at this time.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 8:10 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 26th day of June, 2003. I further certify that the meeting was duly called and held and that a quorum was present.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Monday, July 21, 2003 at 7:10 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

Also in attendance:

Pat McDermott	Acting City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Marian Stanley, Garrett Newland, Laurie Stevens, Dave Siegel, Doug Ballard, G. Van Nimwegen, Acting Chief Neuman, Bryan Patterson.

INVOCATION: The invocation was given by Mayor Boyd Dunn.

PLEDGE OF ALLEGIANCE: Councilmember Anderson led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

There were no scheduled public appearances.

UNSCHEDULED PUBLIC APPEARANCES:

There were no unscheduled public appearances.

CONSENT:

1. EASEMENT/SRP: Electrical Transmission Poles Ordinance #3457

ADOPTED Ordinance No. 3457 granting an aerial easement and an easement for electrical transmission pole locations at no cost to Salt River Project for relocation and maintenance of electrical facilities on the east side of Cooper Road and the south side of Queen Creek Road for approximately 2,644 feet south of Queen Creek Road and 2,639 feet east of Cooper Road as recommended by staff.

2. REZONING: Cobblestone Square Ordinance #3466

ADOPTED Ordinance No. 3466 (DVR03-0002, Cobblestone Square) rezoning from PAD for MF-2 District to PAD for general, medical and dental offices, an Eckerd drug store and physical

therapy office for an approximate 7.38 net acre parcel located at the SEC of Ray and McQueen Roads. Applicant: Ed Bull, Burch & Cracchiolo, P.A.; Owner: Fulton Homes.

3. ANNEXATION: SWC Chandler Heights and Lindsay Roads Ordinance #3467

ADOPTED Ordinance No. 3467, annexing approximately 238 acres of property located at the SWC of Chandler Heights and Lindsay Roads. (Applicant: Michele Hammond, Earl, Curley & Lagarde; Owner: Vinson C. Dobson, Dobson Riggs Farm Ltd. Partnership.)

4. IGA/MARICOPA COUNTY: Summer Youth Program Funds

APPROVED Intergovernmental Agreement Contract No. C-22-04-183-Z with Maricopa County for \$16,000 in Summer Youth Training and Employment Program Funds as recommended by Staff for the provision of services that enhance the basic skills of youth and prepares them for participation in the labor force. Eligible youth are identified as "at-risk" which includes children between the ages of 11-18 who meet one or more of the following criteria:

1. Identified by a law enforcement agency or juvenile court as in need of services;
2. Identified by a school as at risk of failing or dropping out;
3. From a family whose annual income is below one hundred fifty percent of the Federal poverty income guidelines as determined and published by the United States Office of Management and Budget.

Eight thousand dollars (\$8,000) will be allocated to the Camp Challenge Teen Program which will be staffed by Parks and Recreation and will introduce identified teens to a lifestyle of independent living through leisure education and \$8,000 will be allocated for the Public Housing Junior Staff Program consisting of job training workshops, jobs, basic skills enhancement activities, leadership training and life skills training.

The level of funding is predetermined by Maricopa County and the City is responsible for submitting a narrative report to the County on or before October 15, 2003. Funds received under this Intergovernmental Agreement will be in the form of a grant and do not require repayment by the City of Chandler.

MOVED BY COUNCILMEMBER BRUNO, seconded by COUNCILMEMBER WALLACE, to approve the Consent Agenda as presented. MOTION CARRIED UNANIMOUSLY (7-0)

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

There were no Mayor's announcements at this time.

B. Councilmembers' Announcements:

There were no Councilmember's announcements at this time.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 7:15 p.m.

ATTEST: _____
City Clerk MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 21st day of July 2003. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of _____, 2003.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, July 24, 2003 at 7:05 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrooks	Councilmember

Also in attendance:

Pat McDermott	Acting City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Mark Eynatten, Garrett Newland, Chief Roxburgh, Laurie Stevens, Dave Siegel, Doug Ballard, Acting Chief Neuman, Bryan Patterson

INVOCATION: The invocation was given by Mayor Dunn.

PLEDGE OF ALLEGIANCE: Vice Mayor Huggins led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Exceptional Merit Award

MAYOR DUNN, assisted by Municipal Utilities Director DAVE SIEGEL, presented an Exceptional Performance Award to MARK HULLINGER of the Water Production Department for his diligence and creativity to save thousands of dollars at the City's water treatment plant. He is the utility electrician at the plant and discovered extensive damage to an electrical duct banking caused by settling. If left uncorrected, the damage would continue eventually causing loss of power at the water treatment plant resulting in a potential loss of water pressure throughout the City. A temporary repair was made while working with a consultant to assess the situation. The consultant recommended two potential solutions at a cost of approximately \$76,000.00 each. Mark studied the consultant's recommendation and developed a third option, which he implemented with help from his fellow employees, for a cost of \$5,000.00.

2. Service Recognitions

MAYOR DUNN, assisted by Fire Chief JIM ROXBURGH, recognized RICHARD MCBLANE on his 25 years of dedicated service to the City of Chandler. During his service with the City, Dick has served as a captain, company commander, battalion chief and assistant chief. He introduced the Save Our Own and The Flashover programs to the City firefighters which provides the best firefighter personal life-saving techniques and firefighting skills. Dick was president of the United Phoenix Firefighter's Local 493, involved with Habitat for Humanity, served on the Board of the Salvation Army, and was instrumental in establishing the Chandler Emergency

Relief Fund. He has also been involved in the urban survival program, the annual Fill the Boot Drive, Fire Safety House, the preschool immunization program and the water safety program.

MAYOR DUNN, assisted by Acting Police Chief DAVE NEUMAN, recognized Sergeant MICHAEL SLUPINSKI for 20 years of dedicated service to the City of Chandler. He began his law enforcement career as a reserve police officer with the City of Tempe Police Department before becoming an officer with the City of Chandler. During his tenure, he has served as a patrol officer, motor officer and person crimes detective. He currently is assigned to criminal investigations where he supervises detectives responsible for investigating robberies and homicides. Mike has received several commendations recognizing his outstanding work ethic and valor including performing life-saving CPR on a child who had nearly drowned and for his efforts in construction of Chandler's first mobile radar trailer saving the City thousands of dollars.

MAYOR DUNN, assisted by Economic Development Director GARRETT NEWLAND, recognized HEATHER FIGUEROA, Executive Assistant in the Economic Development Division, for her 10 years of dedicated service with the City of Chandler. She began her career with the City at the Chandler Municipal Airport under the Cooperative Office Education (COE) student program while attending Chandler High School. She has worked in many departments and has received numerous certifications. Heather was named City of Chandler Employee of the Year in 1997 and continues to exemplify the same high standards.

3. Proclamation – National Kids' Day

MAYOR DUNN presented VAUGHN MORRIS, from the Chandler Boys and Girls Club, with a Proclamation proclaiming August 3, 2003 as National Kid's Day whereby adults are encouraged to share meaningful time with children. The National Kid's Day Alliance, comprised of Boys and Girls Clubs of America and other leading youth service organizations, reach many youth through services and community involvement.

MR. MORRIS thanked the Mayor and Council and those who have supported the Boys and Girls Club over the years. He invited everyone to attend an event at the Club on August 3, 2003.

4. Recognition – Chandler/Gilbert Community College Academic All-American Honorees

MAYOR DUNN stated that The National Junior College Athletic Association recognizes Academic All Americans with a 3.6 GPA and above and the Distinguished Academic All Americans with a 3.8 GPA and above, based on at least 3 semesters of college work and 45 credits. Chandler Gilbert Community College had 7 students named as All Americans. The Mayor recognized the following for their achievements: JON BLUM, men's baseball; NATE HASTINGS, men's basketball; ARIEL BONDERER and CHESSIE RYLAND, women's basketball; CHERISH BLADT and AMY DYAS, women's softball. Each was presented a gift from the City.

5. Special Recognition – Bryan and Tom Lambke, Special Olympic World Games Gold Medal winners

MAYOR DUNN introduced BRYAN and TOM LAMBKE who competed in the Special Olympics in Belfast, Ireland in June with 7,000 other participants and won the gold medal in bowling. Each was presented a gift from the City.

TOM LAMBKE thanked the City of Chandler and especially MAYOR DUNN for the support given to them allowing them to participate in the Special Olympic Games.

COUNCILMEMBER ANDERSON announced that the LAMBKE'S have taped a segment of Chandler in Focus which will begin airing September 19th on Channel 11.

UNSCHEDULED PUBLIC APPEARANCES:

There were no unscheduled public appearances.

CONSENT:

MOVED BY COUNCILMEMBER WALLACE, seconded by COUNCILMEMBER BRUNO, to approve the Consent Agenda as presented. Motion carried unanimously (7-0).

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Special Meeting of June 23, 2003 and City Council Meeting of June 26, 2003.

2. SALE OF PROPERTY / ADOT: West Chandler Water Reclamation Facility Ordinance #3430

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3430 authorizing the sale of a triangular shaped parcel of land, containing approximately 42,114 square feet, located at the south property line of the City's potential water reclamation facility in West Chandler east of 56th Street and Frye Road, to the Arizona Department of Transportation (ADOT). ADOT also needs a temporary construction easement of approximately 62,349 square feet for a period of 7 months and has agreed to pay the City \$8,000.00 for the temporary easement. Staff recommends a total consideration of \$101,000.00. This property acquisition is necessary for the construction of the Santan Freeway. ADOT submitted an offer of \$93,000.00 which Staff determined to be fair market value for the property.

3. EASEMENT / SRP: Ray Road Widening Ordinance #3463

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3463 granting a no cost irrigation easement to Salt River Project to accommodate the road widening improvements on Ray Road between Dobson Road and Bullmoose Drive as recommended by Staff. Part of the original construction contract includes installing a right turn lane for westbound traffic at the NEC of Ray Road and Bullmoose Drive. To accommodate these improvements, it is necessary to replace part of an existing open ditch irrigation facility with a piped facility. The replacement of this irrigation facility necessitates the granting of a new easement in City right-of-way 15 feet wide and approximately 274 feet long.

4. CITY CODE: Chapter 28 –Residential Fire Sprinkler Option Ordinance #3465

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3465 amending Subsection 28-6.6 of Section 28-6 by adding subparagraph 1003.2.2 of Chapter 28 of the City Code relating to a residential automatic fire sprinkler option. In the last five years, Chandler has experienced 317 residential fires with a loss of \$6,627,292 and three fire-related deaths. The City requires sprinklers to be installed in all commercial facilities. Peoria and Mesa require fire sprinklers to be offered as an option to new homebuyers and cities such as Scottsdale, Fountain Hills and Paradise Valley require fire sprinklers be installed in all new single family homes.

This proposed ordinance requires that homebuyers be provided with an educational brochure explaining misconceptions and facts concerning residential automatic fire sprinkler systems and offered a purchase option for the fire sprinkler system to be installed during construction. There is no financial impact to the City for this service.

5. EXCHANGE OF RIGHT-OF-WAY: Intersection Germann/Price Rds. Ordinance #3468

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3468 authorizing a no cost exchange of right-of-way located at the intersection of Germann and Price Roads with the United States of America.

Americredit is developing the NEC of Germann and Price Roads. In order to complete the required improvements, they need to underground and relocate the irrigation ditch that runs parallel to Germann Road. The fee title exchange will remove all the existing USA property for the full project length, approximately 1,300 feet, out of the current right-of-way, and place it in the new location outside the right-of-way along private property. The crossing of Price Road will complete the exchange, which will consist of approximately 2,900 square feet in the intersection right-of-way.

6. REZONING/DEVELOPMENT PLAN: Crossroads Towne Center Ordinance #3470

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3470 (DVR02-0045, Crossroads Towne Center), rezoning from AG-1 to PAD for a regional commercial center including Large Single Use Retail along with a Preliminary Development Plan on approximately 82 acres located at the NWC of Gilbert and Germann Roads. (Applicant: Ralph Pew, Pew & Lake PLC; Developer: Vestar.)

The site is currently zoned Agricultural (AG-1) and utilized for farming. It is bound by agricultural zoning to the west, the Santan Freeway along the north side and north of the freeway is agricultural and single-family residential. This commercial center is part of a larger planned commercial development, Crossroads Towne Center in the Town of Gilbert, east of Gilbert Road. Both projects reflect similar architectural elements and massing defining a major retail center. The land use designation on the Airpark Area Plan is Commercial/Office/Business Park which typically allows for major campus-like employment centers that include retail services, research and development, or office/showroom development. Regional Commercial uses, including large retail and a variety of retail, service, hotel and office uses, may be considered for any commercial zone adjacent to the Santan Freeway. The site would hold a maximum building area of 700,000 square feet and accommodate up to 3 large single use retailers. The site also includes several freestanding pads.

Building setbacks for the proposed project comply with the commercial design standards and the site complies with the separation distances of the large single use retail ordinance requirements. The site impacts Chandler Municipal Airport's Runway Protection Zone for a potential northeasterly runway extension which will deem it necessary to amend the Airport Layout Plan to allow the development to proceed and provide planning for an ultimate runway length that will provide additional safety for all aircraft types currently using the airport.

This project is the last opportunity for another regional commercial center in Chandler anchoring the east side of the City and staff is of the opinion the development is consistent with the area planning and design guidelines established for Chandler. The site layout and architectural theme

is consistent with other high profile commercial centers in the City. The Planning and Zoning Commission recommended a separate Preliminary Development Plan for a comprehensive sign package to address monument signs along the freeway and arterial streets.

The case was noticed in accordance with City of Chandler Zoning Code requirements and a neighborhood meeting was held on May 27, 2003 at the Chandler Municipal Airport. No residents or property owners within the 300-foot notification area attended. Staff is not aware of any opposition to the proposed development and the Airport Commission has also reviewed the proposed development. Upon finding the request to be consistent with the General Plan, Airport Area Plan and Large Single Use Retail ordinance, Planning Commission and Staff recommend rezoning and Preliminary Development Plan, subject to the conditions listed in the ordinance.

7. REZONING/DEV PLAN: Hospice of the Valley/Dobson Home Ordinance #3471

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3471, (DVR03-007, Hospice of the Valley "Dobson Home"), rezoning from AG-1 to PAD Hospice for an eleven-bed, in-patient hospice facility on approximately 1.2 acres along with a Preliminary Development Plan located at 1188 North Dobson Road. (Applicant: Ron Grenenbacher, Hospice of the Valley and John Eden, Eden Architects LLC; Owner: Jon & Suzanne Weeks.) The project is located on an un-subdivided parcel of land on the west side of Dobson Road bounded to the west and north by Sandstone Place and Seton Catholic High School to the South. The application proposes a 3,400 sq. foot addition to an existing 2,400 sq. foot house that will architecturally match the existing house.

The property will be maintained with existing mature landscaping and expansive turf setting and additional trees and shrubs are proposed along the west and north property lines screening the hospice from adjacent properties. The development plans include the addition of paths, benches, fountains, sculptures and flowerbeds.

The case was noticed in accordance with the City of Chandler Zoning Code requirements and a neighborhood meeting was held on May 6, 2003 and attended by three neighbors or property owners. Staff has not received any further communication from the neighbors. Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval contingent upon compliance with conditions as listed in the ordinance.

8. REZONING/DEV PLAN: Ray Ranch Professional Plaza Ordinance #3474

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3474 (DVR03-0006 Ray Ranch Professional Plaza), rezoning from AG-1 to PAD for general, medical, and dental offices along with a Preliminary Development Plan for an approximate 11.32 net acre parcel located at the NEC of Ray Road and Bullmoose Drive. (Applicant: Steven Bauer, Development Strategies, Inc.; Developer: Shea Commercial.) The site is approximately 14-gross acres (11 net acres), office condominiums, 18 single-story office buildings for a total of 89,800 square feet of office space. The property was zoned from AG-1 to PAD with Conceptual Plan for a mixed-use development including specialty commercial and office in 1985 with a condition that a Preliminary Development Plan (PDP) be filed within 3 years. A time extension was approved in 1989 for the Conceptual Plan conditioned on a PDP being filed within 2 years which was not filed causing the zoning to expire in 1991. A request to rezone the site for apartments was filed and withdrawn in 1994. The property was then rezoned from AG-1 to PAD for townhomes in 1996 with a 2 year development timing condition which did not occur causing the zoning to again expire.

The property is part of the Ray Road Land Use Policy and the proposed office development meets the established land use goals and development standards. Development will occur in two phases with all off-site improvements occurring in Phase One. Entry monument signs are designed to match the project theme and meet the requirements of the Sign Code. The developer also requests a reduction in required parking spaces from 494 to 484 which is supported by Staff. The development is constructing the half width rights-of-way for Bullmoose Drive and Carriage Lane. The City is constructing a portion of Ray Road along the subject site and undergrounding a portion of the SRP irrigation ditch. The developer is required to construct any remaining portion of Ray Road and the irrigation ditch and coordinating easement locations in accordance with the zoning conditions as listed in the ordinance.

The case was noticed in accordance with City of Chandler Zoning Code requirements with a neighborhood meeting being held on January 29, 2003 with several residents attending and supporting the proposal. A letter was mailed to residents in May, 2003 providing information on the project and the current site plan. One property owner requested an additional parking screen wall north of Building R which was provided by the applicant. Staff is not aware of any opposition to the proposed development. Staff and the Planning Commission recommend approval of the project subject to conditions listed in the ordinance.

9. REZONING/DEVELOPMENT PLAN: Cactus Towing Ordinance #3475

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3475, (DVR03-0013, Cactus Towing), rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for Conceptual Planned Industrial (I-1) uses on approximately 5.6 acres, along with Preliminary Development Plan (PDP) for an impound yard and towing facility on approximately 2.8 acres at the SWC of E. Highland Street and N. Delaware Street. (Applicant: Todd DeMasseo, DTI/Cactus Towing.)

The General Plan designates this parcel as Employment for major employers, industrial/business parks, and industrial support uses. The proposed conceptual PAD zoning for I-1 uses is consistent with the General Plan. The rezoning request is proposed as a multi-staged development with the development of the Cactus Towing facility in the first stage on parcel 1. The second stage is proposed as PAD conceptual only for I-1 uses on parcel 2 which will require a separate PDP approval prior to development.

Cactus Towing is contracted through the Chandler Police Department, the Department of Public Safety and Maricopa County Sheriff's Department for towing and impound services. An average vehicle storage time of four days is anticipated by the applicant with an average vehicle capacity of 40-50 vehicles per day. There will be no stacking, demolition, salvage, dismantling, sale or long-term storage of impounded vehicles.

This case was noticed in accordance with City of Chandler Zoning Code requirements with a neighborhood meeting being held on June 9, 2003. No neighbors were in attendance. Staff has received no opposition to this proposal. The Planning Commission and Staff recommend approval subject to conditions listed in the ordinance.

10. IGA AMENDMENT / RPTA: Fixed Route Bus Service Res. #3656

ADOPTED Resolution No. 3656 authorizing an amendment to the FY 2002-2003 intergovernmental agreement with the Regional Public Transportation Authority (RPTA) for fixed bus route service in the amount of \$82,227.00.

The current FY Transit Service Agreement with RPTA was approved by Council on June 27, 2002. In May, RPTA informed the City that actual costs for operation of fixed route and express transit service in the City of Chandler would exceed the budgeted amount by \$132,227.00. Staff negotiated a \$50,000.00 credit from Valley Metro reducing the overage cost to the City from \$132,227.00 to \$82,227.00. The City has funds available in the Community Funded Transportation account and a \$60,000.00 Transit Operations budget contingency.

11. AGREEMENT / RPTA: Fixed Route Bus Service

Res. #3638

ADOPTED Resolution No. 3638 authorizing a five-year agreement for fixed route bus service with the Regional Public Transportation Authority (RPTA) for FY 2003-2004 through FY 2007-2008 to be amended annually, and for transit services for FY 2003-2004 in the amount of \$870,521.00.

Approximately 30% of Chandler's transit service is currently subsidized by RPTA. The RPTA Board adopted a plan in January, 2002 whereby RPTA subsidies would be incrementally reduced over a 4-year period in anticipation of the Regional Area Road Fund (1/2 cent sales tax) sunset in 2005. This is the second 10% subsidy reduction.

Terms of this agreement will change depending on the outcome of an anticipated election to extend the Regional Area Road Fund Sales Tax. If the ballot measure is successful, City costs will likely be reduced. Conversely, if the tax extension is not approved, the City's cost will increase or reducing transit service will be considered in the future.

12. LAND ACQUISITION: Stellar Airpark Estates

Res. #3650

ADOPTED Resolution No. 3650 authorizing and approving the acquisition of two parcels for roadway purposes from Stellar Airpark Estates, L.L.C. to the City of Chandler for the extension of Geronimo Street from Stellar Parkway to 79th Street at a total cost for acquisition, including closing and associated costs not to exceed \$55,000.00.

13. TRANSPORTATION: Enhancement Program Funds

Res. #3661

ADOPTED Resolution No. 3661 supporting the City of Chandler's application for Transportation Enhancement Program Funds for construction of a gateway on Chandler Boulevard west of Gilbert Road. Federal transportation enhancement funds are allocated to cities and agencies under the rules established by Congress in the Transportation Equity Act for the 21st Century. Funds received in previous years have been used for the construction of bicycle lanes on Arizona Avenue from Ocotillo Road to Hunt Highway and the Paseo Trail project.

The Maricopa Association of Governments Enhancement Funds Working Group is currently reviewing applications submitted by member cities, towns and agencies. They will rank the local applications and forward them to the ADOT Transportation Enhancement Review Committee for consideration in November 2003.

These grants are reimbursable, but Council endorsement does not obligate or commit any funds at this time. If the project is approved, ADOT will initiate an Intergovernmental Agreement between ADOT and the City to identify federal funding and City-match requirements. The City's match portion would be approximately \$18,037.00.

14. AGREEMENT: Commercial Reinvestment Program

Res. #3662

ADOPTED Resolution No. 3662 granting a Commercial Reinvestment Program agreement with North Park Plaza, L.L.C. for the North Park Plaza located at the NWC of Arizona Avenue and Ray Road in the amount of \$152,867.00.

The intent of the program is to encourage private reinvestment in older existing retail centers within designated areas of the City that exhibit greater vacancy rates higher than city-wide averages and/or buildings that were constructed at least 15 years ago. The proposed improvements to North Park Plaza include facelifts to the main building and free standing pad building, resurfacing parking lot, and improvements to landscaping and monument signs. .

15. IGA / MARICOPA COUNTY: Queen Creek Road Box Culvert

Res. #3668

ADOPTED Resolution No. 3668 authorizing an intergovernmental agreement with Maricopa County for funding of improvements to the Queen Creek Road box culvert at the Eastern Canal with City funding of \$61,000.00. The agreement was reviewed and approved by the Transportation Commission.

Maricopa County is planning to make improvements to the Queen Creek Road box culvert at the Eastern Canal as part of their FY 2004 Capital Improvement Program. The original concept was to make the culvert wide enough to accommodate five lanes of traffic, but due to the growth in southeast Chandler, the City has requested that it be made wide enough to accommodate seven lanes.

16. ZONING CODE AMENDMENT: Permitted Use/Use Permit Requirements

APPROVED the WITHDRAWAL of a City initiative (ZCA03-0001, City of Chandler) amending the Zoning Code (Chapter 35 of the City Code) by establishing definitions for antique, consignment store, thrift store and swap meet in Section 35-200, Definitions, and by establishing permitted use vs. use permit requirements for these uses in Section 35-2100. Withdrawal was requested to allow Staff to consider new input received from thrift store operators, re-draft the amendment and re-advertise.

17. PRELIMINARY DEVELOPMENT PLAN: Paseo Trail Parcel C

APPROVED a Preliminary Development Plan (PPD03-0009, Paseo Trail Parcel "C" / Cresleigh Homes) for single-family subdivision for 75 lots on approximately 34 acres located northeast of the NEC of Gilbert and Queen Creek Roads. (Applicant: Wade Kempton, Cresleigh Homes Arizona.)

The site is located on a portion of the eastern end of the Paseo Trail subdivision. The south side is to be developed by Greystone Homes and the west side is currently under construction by Cresleigh Homes. Farmland is north of the site and east across the Eastern Canal.

Paseo Trail (previously called Lennar/Metropolitan 130) was rezoned to Planned Area Development (PAD) with Preliminary Development Plan (PDP) for the subdivision design in January 2001. The land use, lot sizes, landscaping, street standards, setbacks and subdivision diversity standards were established during the subdivision's rezoning application. The proposed housing products will be located within the subdivision's interior portion and will not back up to an

arterial street. It also meets the updated Residential Development Standards including all nine required standards and eight of the optional standards.

Planning Commission and Staff, finding consistency with the General Plan and previously approved Planned Area Development zoning, recommend approval of the Preliminary Development Plan for housing products subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3215, in case PL99-061 LENNAR / METROPOLITAN 130, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A., Development Booklet, entitled "Paseo Trail Parcel C" kept on file in the City of Chandler Current Planning Division, in file no. PDP03-0009, except as modified by condition herein.
3. The same front elevation shall not be built on adjacent or opposite lots.
4. Staggered front and rear building setbacks for adjacent house locations shall occur throughout the entire subdivision.

18. PRELIMINARY DEVELOPMENT PLAN: Wells Fargo Ocotillo Corporate Center, Transportation Plan

APPROVED Preliminary Development Plan, (PDP03-0011, Wells Fargo Ocotillo Corporate Center, Transportation Plan) for a public transportation plan of a commercial office center located at the NWC of Price and Queen Creek Roads. (Developer: Wells Fargo-Corporate Properties Group.)

During Phase 1A, rezoning and Preliminary Development Plan approval, the Planning Commission requested a public transportation plan be prepared through a separate application prior to construction. A public transportation plan was prepared identifying proposed site design elements to support or enhance alternative travel modes and access to this employment center. The plan is very thorough and addresses four basic elements in accommodating or promoting alternative travel modes. These elements include:

- Pedestrian Access
- On-Site Accommodation of Neighborhood Circulator Buses
- Right-of-Way Requirements for Fixed-Route (Arterial Street) Bus stops
- Transportation Demand Management through participation in the Maricopa County Commute Trip Reduction Program

Planning Commission and Staff, finding consistency with the General Plan and current zoning, recommend approval subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled Public Transportation Plan – Ocotillo Corporate Center, Phase 1A kept on file in the City of Chandler Planning Services Division, in File No. PDP03-0011, except as modified by condition herein.
2. Compliance with original stipulations adopted by City Council as Ordinance No. 3389, in case DVR02-0021 WELLS FARGO OCOTILLO CORPORATE CENTER, except as modified by condition herein.
3. The bus stops at the interior traffic circle and bus pull out along Price Road shall be constructed as part of the Phase 1A development.

4. The bus stop canopy for the interior traffic circle bus stop shall be constructed as part of the Phase 1A development.
5. All of the proposed sidewalks, crosswalks, and walkway connections on the site shall be constructed as part of the Phase 1A development.
6. A different bus shelter design shall be required for the arterial street bus stops, to be determined by staff.

19. PRELIMINARY DEVELOPMENT PLAN: Automotive Diagnostic Specialties

APPROVED Preliminary Development Plan (PDP03-0012, Automotive Diagnostic Specialties), for site layout and building architecture for an automotive service business within a PAD zoning district for property located at 6815 W. Chandler Boulevard. (Applicant: Dieterich Architectural Group.) The site is located at the SEC of Chandler Boulevard and the Union Pacific Railroad on 2.27 acres and was zoned PAD for automotive and industrial uses as Future Parcel II of the Complete Auto Body development in July 1996.

Automotive Diagnostic Specialties has been in operation at 513 N. 54th Street for approximately 8 years by use permit within a planned industrial (I-1) zoned district. The primary business is the diagnostics and repair of automotive computer systems as well as providing complete automotive repair. The applicant is looking to permanently relocate his business.

Upon finding consistency with the General Plan and PAD zoning, Planning Commission and Staff recommend approval subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2674, in case PL96-0092 COMPLETE AUTO BODY.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Automotive Diagnostic Specialties" kept on file in the City of Chandler Current Planning Division, in file number PDP03-0012, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. Sign packages, including free-standing signs as well as wall mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. All vehicle servicing and overnight storage of vehicles waiting servicing shall occur within the building or in the secured parking area located behind the building.

20. BOARD & COMMISSION APPOINTMENTS

APPROVED the following Board & Commission appointments:

Downtown Architectural Review Committee	Dr. Noel Stowe
Human Relations Commission	Tony Kao
Industrial Development Authority	Michelle Cook

21. IGA / AZ GAME & FISH: Desert Breeze Park Lake Fishing Program Res. #3672

APPROVED Resolution 3672 authorizing an Intergovernmental Agreement with the Arizona Game and Fish Department to provide an Urban Fishing Program at Desert Breeze Park Lake. The City and the Arizona Game and Fish Commission have worked together to provide urban fishing at the Desert Breeze Park Lake since 1990. Under the terms of this 3-year agreement, the Arizona Game and Fish Department will stock the lake with trout in winter months and catfish in warm weather. They will monitor basic water quality, provide periodic lake assessment reports and assist the City with lake and fishery management. The annual cost will be \$3,120.00

22. COURTS / IGA: Maricopa County Superior Court

APPROVED an Intergovernmental Agreement with Chandler Municipal Court and Maricopa County Superior Court for security services in an amount not to exceed \$120,000.00. The contract includes security officers salary, training and uniforms.

23. AGREEMENT: Base Hospital Paramedic Medical Direction

APPROVED an agreement with Catholic Healthcare West (Chandler Hospital) formalizing obligations and responsibilities of each party for base hospital paramedic medical direction.

24. FUND ALLOCATIONS: Chandler Historical Society

APPROVED the allocation of \$50,000.00 to the Chandler Historical Society. The City of Chandler provides monetary support to the Society for staff salaries. In addition to monetary support, the City also provides janitorial support, utility costs and leases the museum building to the Chandler Historical Society for one dollar per year.

25. CLAIMS REPORT: Quarter Ending June 30, 2003

ACCEPTED the claims report for the Accounts Payable checks for the quarter ending June 30, 2003 on file in the office of the City Clerk.

26. HOUSING: Subordination of Housing Rehab Lien – 365 N. Colorado Street (Rodriguez)

APPROVED the subordination of the Housing Rehabilitation lien on the property located at 365 North Colorado Street, (Project No. 96-10-2) as recommended by staff. The single family owner-occupied home was rehabilitated under the City of Chandler's Housing Rehabilitation Program in 1997. Two liens were placed against the property by the City, one for \$19,027.50 and a second for a change order in the amount of \$4,132.00 for a total lien amount of \$23,159.50. These liens are in the form of a 10 year repayable loan requiring the owner to repay 25% of the total with the

balance forgivable. The owner's current balance is \$1,300.00 and the forgivable amount is \$17,369.50.

The owners have applied for a loan to refinance their current first mortgage and consolidate other debts in order to reduce their monthly payments. The total amount of the new loan would be \$94,000. In order to obtain the loan, a subordination of the City's liens is required by the lending institution. The City's liens are currently in second and third positions and would remain in those positions after the new loan. The value of the property is estimated at \$135,000 which is more than the combined encumbrances of the City's liens and the new first mortgage.

27. LIBRARY: AMIGOS Library Services

APPROVED payment of \$38,595.00 to AMIGOS Library Services for membership, cataloging and database use fees for FY2003/2004. The Chandler Public Library is a member of AzNET, a library consortium sponsored by the Arizona State Library, Archives and Public Records to facilitate interlibrary loan among libraries in Arizona. The electronic routing and transfer of the AzNET interlibrary loan transactions are provided through the AMIGOS network.

AMIGOS also provides OCLC copy cataloging data which significantly streamlines the process and reduces the cost of creating catalog records for new items added to the library's collection.

The library also subscribes to the Firstsearch databases through AMIGOS which are available to library users through the library's web page which provides access to OCLC cataloging for books in libraries worldwide. AMIGOS is a sole source provider for these electronic services.

28. AGREEMENT / IT CONSULTING SERVICES: Glotel

APPROVED an agreement for IT consulting services with Glotel, Inc. for the City Court's CJIS project utilizing the State of Arizona contract #AD000197-013 in an amount not to exceed \$40,000.00. The Chandler Municipal Court has utilized contract programming services since FY 2001-2002 to meet the Criminal Justice Information System (CJIS) computer needs. The remaining funds required to complete this project for this fiscal year are \$40,000.00. Due to the knowledge investment in this consultant, continuation of services is most advantageous based on cost and the completion schedule. This additional resource has assisted the court in developing and implementing significant programs that enhance the enforcement of court orders and assists in the generation of additional revenues for the City. Many of the past and current projects are related to Arizona Supreme Court mandates. The use of this contract eliminates the cost of going out to bid and reduces the lead-time in obtaining these services in addition to capturing the State's volume purchasing power.

29. CONSTRUCTION CONTRACT / ADOT: Dobson/Elliot Intersection Improvements

APPROVED Change Order No. 1 to Construction Contract #ST0046-041 with the Arizona Department of Transportation in the estimated amount of \$52,000.00 for the Dobson and Elliot Roads Intersection Improvements Project for a revised contract total of \$3,852,169.00. It was determined during the course of construction that additional water main was needed to ensure a quality installation by replacing the existing line and valves which were too shallow and would interfere with new roadway construction. The existing line was shown at an incorrect elevation on the plans due to an error in as-built information used during design. Replacing this water main at a later date would require costly and unsightly pavement cuts through new pavement installed as part of this construction contract.

30. CONTRACT EXTENSION: Legal Advertising

APPROVED a one-year contract extension for legal advertising services with Freedom Newspapers of AZ d.b.a. The Tribune, in an amount not to exceed \$50,000.00. The original contract was awarded in 2001 with the option of three one-year extensions. The contractor has agreed to no cost increases.

31. SOLE SOURCE CONTRACT: Computer Aided Dispatch (C.A.D.)

APPROVED sole source contract with Northrop-Grumman (formerly known as PRC) in an amount not to exceed \$277,350.14 for computer aided dispatch equipment and software maintenance. The Chandler Police Department has used the same company since migrating to this technology over thirteen years ago. Because of the proprietary software infrastructure, Northrop-Grumman is the only authorized service center to provide service and maintenance on the C.A.D. equipment and software. It is essential that maintenance be provided by Northrop-Grumman to ensure the equipment is maintained at the highest level possible because of the critical nature of public safety.

32. CONTRACT EXTENSION: Banking Services

APPROVED a one-year contract extension with Bank One for banking services including checking account maintenance, deposits, armored car service, payroll direct deposit, utility surepay, wire transfers, automated account reconciliation, credit card payment processing, check sorting, and on-line bank balance reporting. The bank compensation is received on a compensating balance basis (the earnings from City bank balances offset the cost of services provided). Bank One has agreed to no cost increases.

33. PROPOSAL: On-Airport Development

REJECTED, as recommended by Staff, the proposal for the On-Airport Development with Possible Mixed Use (RFP AP3-0895-1902). Staff issued a Request for Proposal on July 5, 2002 for On-Airport Development with Possible Mixed Use which could include aircraft storage facilities, fixed base operations, general aviation specialty shop facilities and/or other aviation related commercial development. There were four potential sites identified on the Airport Complex for possible location of developments. One proposal was submitted by Southwest Aircraft Charter, L.L.C. to lease Site 3 for development as an aviation related business. The proposal also sought to lease land for development that was not included in the original scope of the RFP. Land not included in the scope of the RFP is not eligible for negotiation within the RFP process. Because the proposer expressed strong interest in the parcel not included, they have agreed to rejecting this RFP to propose on a subsequent RFP. Staff will advertise a revised RFP in July 2003 that will augment the area of airport property available for lease and the parcel not included in the original RFP will be included in the revision.

34. SOLE SOURCE PURCHASE: Library Materials

APPROVED sole source purchase of library materials from Gale in an amount not to exceed \$85,000.00. Gale, formerly Gale Research, Inc. is the producer of a wide variety of print and electronic library reference materials with which the Chandler Library has had ongoing subscriptions. The company has acquired a number of smaller publishers the Chandler Library had subscriptions with for large print materials and continuations of reference sets from some of

these companies. Now that Gale is the exclusive producer and vendor of these materials, the volume of purchases from them has increased.

35. USE PERMIT: Creative Caring

CONTINUED a Use Permit (UP03-0009, Creative Caring) for a childcare facility within a single-family residence located at 2608 West McNair Street to the August 14, 2003 City Council meeting to allow staff additional time to research circumstances pertaining to the case and explore further options with the applicant. (Applicant: Teresa Lynn Bagdol.)

36. USE PERMIT: Chip Pro

APPROVED a Use Permit (UP03-0012, Chip Pro, Inc.) to continue the operation of an automotive reconditioning and collision repair business within a Planned Industrial (I-1) zoned district for property located at 7061 W. Galveston Street east of the SEC of Galveston and 54th Street. (Applicant: Luman "Sonny" New.) A Use Permit was approved in February 2002 to operate the automotive reconditioning and collision repair business within the Planned Industrial (I-1) zoning district. The company provides reconditioning and full-collision repair services. A block wall has been extended and a wood-slatted gate was added to screen cars awaiting service. The applicant has paved the rear portion of the property to provide additional parking behind the gates as stipulated in the original Use Permit. The front yard landscaping has been upgraded by adding additional shrubs and ground cover.

The request was noticed according to the provisions of the City of Chandler Zoning Code and Staff is not aware of any opposition to the project.

Upon finding consistency with the General Plan, Planning Commission and Staff recommend approval of the Use Permit subject to the following conditions:

1. Substantial conformance with the Site Plan and Landscape Plan.
2. All automotive reconditioning, minor spot/chip, dent and full collision repair work shall occur within the building.
3. The overnight storage of customer vehicles and company service trucks shall be within the building or behind the block wall and gate.
4. The Use Permit is effective for a period of three (3) years, at which time re-application shall be required.

37. USE PERMIT EXTENSION: The Wild Hare

CONTINUED a Use Permit extension (UP03-0022, The Wild Hare), Series 12 Restaurant License to continue to sell all types of liquor for on premise consumption only in a portion of an existing restaurant located at 4910 West Ray Road, Suite #3, to the September 11, 2003 City Council meeting as recommended by the Planning Commission and Staff. (Applicant: Lauren Pond, HH3 Enterprises dba The Wild Hare; Owner: Chandler Sunset, LLC.) Business hours will be Monday through Friday 11:00 a.m. to 1:00 a.m., Saturday 8:00 a.m. to 1:00 a.m. and Sunday 8:00 a.m. to 11:00 p.m.

38. USE PERMIT: Bongos Bar & Grill

APPROVED a Use Permit (UP03-0024, Bongos Bar and Grill) for a Series 12 Restaurant License for the sale of liquor for on-premise consumption only within a restaurant located at 4080 West

Ray Road, Suite 26, NWC of Ray and McClintock Roads. (Applicant: Bongos Bar and Grill, LLC, Patrick Flynn.) There will not be live music or outdoor dining.

This request was noticed in accordance with the requirements of the Chandler Zoning Code and Staff is not aware of any opposition to the request.

Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 12 license only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved floor plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

39. USE PERMIT: Leisure Living for the Elderly

APPROVED WITHDRAWAL by the applicant of a Use Permit (UP03-0006 Leisure Living for the Elderly) for an adult care facility within a single-family residence located at 507 N. Nantucket Court. (Applicant: Nhor Latinovich.)

40. USE PERMIT: Tacos Y Mariscos La Sirenita

APPROVED a Use Permit (UP03-0010, Tacos Y Mariscos La Sirenita) for sale of liquor, Series 12 Restaurant License, within an expanded area at an existing restaurant located at 961 West Ray Road, SEC Alma School and Ray Roads. (Applicant: Nanette Zendejas, Zendejas Business Services; Owner, Michael Pollack, Alma Ray Central Center LLC). The restaurant currently operates 7 days a week 9:00 a.m. to 9:00 p.m. and occupies Suites 3 and 4 of the Alma-Ray Plaza and proposes to expand by leasing Suite 5. Staff has provided the applicant with a copy of the City's new smoking ordinance and a brochure explaining the regulations.

The shopping center was originally zoned Community Commercial (C-2) and is bounded on the east by multifamily residential properties zoned Multiple Family Residential (MF-2) and on the south by single-family residential neighborhood zoned Single-Family 8.5 (SF-8.5). A twenty-foot wide alley separates the shopping center from the single-family residences to the south.

This request was noticed in accordance with the requirements of the Chandler Zoning Code and Staff is not aware of any opposition.

Planning Commission and Staff, upon finding consistency with the General Plan and adopted Community Commercial (C-2) zoning, recommend approval subject to the following conditions:

1. The Use Permit granted is for a Series 12 license only and any change of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the proposed floor plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.
4. No alcohol shall be carried outside of the building.
5. Decibel levels of recorded or live music shall be controlled so as not to present a nuisance to residential properties beyond the boundaries of the Alma-Ray Plaza shopping center.

41. LIQUOR LICENSE EXTENSION OF PREMISES: Tacos Y Mariscos La Sirenita

APPROVED the issuance of City of Chandler permanent extension of premises for a Series 12 (#300000387) Restaurant Liquor License for Tacos Y Mariscos La Sirenita located at 961 W. Ray Road #3 and that a recommendation for approval of State Liquor License #12074626 be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to the permanent extension of premises. All fees have been paid and the business is in compliance with the City's Sales and Use Tax Code.

42. LIQUOR LICENSE: Stuart Anderson's Black Angus Restaurant

APPROVED the issuance of City of Chandler Series 12 Restaurant Liquor License (#300000582) and that a recommendation for approval of State Liquor License No. 12075538 for Amy Schwartz Cuatto, Agent, ARG Enterprises, Inc. dba Stuart Anderson's Black Angus Restaurant at 2770 W. Chandler Blvd. be forwarded to the State Department of Liquor Licenses and Control. The Police Department reported no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax code. The applicant's Use Permit (UP02-0068) was approved by Council on February 27, 2003.

43. LIQUOR LICENSE: India Gate

CONTINUED a request for a Series 12, Restaurant Liquor License, for Sarwan Singh, Agent, S & TS LLC, dba India Gate, at 6245 W. Chandler Blvd, #1, to the September 11, 2003 City Council meeting. The application was posted and published for hearing on June 26, 2003 at which time it was continued to July 24, 2003 to allow the applicant time to complete the new use permit process. This additional continuance is requested to allow the applicant time to complete the zoning requirements for their Use Permit.

44. LIQUOR LICENSE: The Saddlerack

APPROVED the issuance of a City of Chandler Series 6 Bar Liquor License (#300000583) and that a recommendation for approval of State Liquor License No. 06070670 for Nora Estella Cunningham, Agent, The Saddlerack LLC, dba The Saddlerack, at 2020 N. Arizona Ave., Suite G-68 be forwarded to the State Department of Liquor Licenses and Control. This application reflects a change in ownership and Planning and Development advises that a new Use Permit is not required since this will be a continuation of the location's previous use as Bronco Billy's. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

45. PRELIMINARY PLAT: Cobblestone Square

APPROVED, as recommended by Staff, a Preliminary Plat (PPT03-0007) for Cobblestone Square located at the SEC of McQueen and Ray Roads. (Applicant: Burch & Cracchiolo, P.A., Ed Bull: Developer: Glenwood Development Company, LLC). The project is a subdivision for a commercial center on approximately 7.38 acres divided into three commercial lots to include an Eckerd drug store, a physical therapy office and general, medical and dental offices. The applicant revised the plat following Planning Commission approval which now reflects the relocation of an office building in conformance with the Planned Area Development (PAD) zoning.

46. PRELIMINARY PLAT: Windmill Square

APPROVED Preliminary Plat (PPT03-0002) for Windmill Square located at the NEC Ray Road and McClintock Drive. (Applicant: Carter-Burgess.) This plat is for a mixed-use development including a retail pad, office and residential on 15.63 acres. The project will include a CVS drug store, retail restaurant, general office and a residential development.

The Planning Commission and Staff recommend approval of the Preliminary Plat subject to the following condition:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

47. MAP OF DEDICATION: Osco Drug Store #9318

APPROVED, as recommended by Staff, a Map of Dedication (FPT01-0073) for Osco Drug Store #9318, for a 11.96 acre parcel at the NEC of Alma School Road and Pecos Road. (Applicant: Albertson's Inc.) The map dedicates the necessary right-of-way in conjunction with the City's Pecos Road Capital Improvement project and is consistent with the General Plan and PAD zoning.

48. FINAL PLAT: Rancho Del Ray Parcel 1

APPROVED, as recommended by Staff, a Final Plat (FPT01-0073) Rancho Del Ray Parcel 1, located west of the SWC of Pecos and Gilbert Roads. (Applicant: JP RDR, L.L.C.). This plat is for a townhouse tract within the Rancho Del Ray subdivision creating the lots and tracts, establishing the necessary easements and dedicating the required rights-of-way. It is consistent with the General Plan and PAD zoning.

49. Moved to the Action Agenda: Area Plan Amendment – Chuparosas

See discussion under Action Agenda.

50. Moved to the Action Agenda: Santan Freeway Sound Walls

See discussion under Action Agenda.

51. PURCHASE OF PROPERTY: 1409 West Ray Road

APPROVED, as recommended by Staff, the purchase of property at 1409 West Ray Road for the sum of \$142,000.00 pursuant to a written purchase agreement. In June 2002, the City Council authorized acquisition at appraised value of various parcels of real property needed for the widening and improvement of Ray Road from Arrowhead Drive to Alma School Road. One of these parcels is the property at 1409 West Ray Road which is an improved multi-family rental property (duplex) owned by Marlene M. Archer.

Negotiations have resulted in an agreement for the purchase of the property at \$142,000.00 which exceeds the City's appraisal of \$127,650.00 but is less than the \$150,000.00 originally requested by the owner. The proposed purchase price is supported by comparable sales information provided by the property owner, the current market conditions for duplex rentals, and

the benefit of avoiding the additional time and expense of litigation to acquire the property. The purchase price is a fair and reasonable compromise.

52. PURCHASE OF PROPERTY: 1425 West Ray Road

APPROVED, as recommended by Staff, the purchase of property at 1425 West Ray Road for the sum of \$142,000.00 pursuant to a written purchase agreement. In June 2002, the City Council authorized acquisition at appraised value of various parcels of real property needed for the widening and improvement of Ray Road from Arrowhead Drive to Alma School Road. One of these parcels is the property at 1425 West Ray Road which is an improved multi-family rental property (duplex) owned by Opal L. Engelder.

Negotiations have resulted in an agreement for the purchase of the property at \$142,000.00 which exceeds the City's appraisal of \$127,650.00 but is less than the \$150,000.00 originally requested by the owner. The proposed purchase price is supported by comparable sales information provided by the property owner, the current market conditions for duplex rentals, and the benefit of avoiding the additional time and expense of litigation to acquire the property. The purchase price is a fair and reasonable compromise.

53. PURCHASE OF PROPERTY: 1403 West Ray Road

APPROVED, as recommended by Staff, the purchase of property at 1403 West Ray Road for the sum of \$136,000.00 pursuant to a written purchase agreement. In June 2002, the City Council authorized acquisition at appraised value of various parcels of real property needed for the widening and improvement of Ray Road from Arrowhead Drive to Alma School Road. One of these parcels is the property at 1403 West Ray Road which is an improved multi-family rental property (duplex) owned by James and Nancy Barrett.

Negotiations have resulted in an agreement for the purchase of the property at \$136,000.00 which exceeds the City's appraisal of \$127,650.00 but is less than the \$140,000.00 originally requested by the owner. The proposed purchase price is supported by comparable sales information provided by the property owner, the current market conditions for duplex rentals, and the benefit of avoiding the additional time and expense of litigation to acquire the property. The purchase price is a fair and reasonable compromise.

54. CONDEMNATION SETTLEMENT: City of Chandler v. Charles & Elizabeth Slack

APPROVED, as recommended by Staff, condemnation settlement of City of Chandler v. Charles & Elizabeth Slack in the sum of \$142,000.00. The City is acquiring an improved multi-family rental property (duplex) needed for the improvement and widening of Ray Road from Arrowhead Drive to Alma School Road. The City acquired immediate possession of the property on May 15, 2003 leaving the property unoccupied. The remaining dispute is the value of the property.

The settlement amount of \$142,000.00 exceeds the City's appraisal of \$127,000.00 but is less than the \$150,000.00 demanded by the owner. The proposed purchase price is supported by comparable sales information provided by the property owner, the current market conditions for duplex rentals, and the benefit of avoiding the additional time and expense of litigation to acquire the property. The purchase price is a fair and reasonable compromise.

55. AGREEMENT: Vestar Arizona – Crossroads Towne Center

Res. #3669

ADOPTED Resolution #3669 authorizing a Development Agreement with Vestar Arizona XXXVII, L.L.C. for Crossroads Towne Center, part of a major retail power center located on the NWC of Germann and Gilbert Roads in both the City of Chandler and the Town of Gilbert at Gilbert Road and the 202 Santan Freeway. The agreement involves completing significant public infrastructure improvements to serve the project. Germann, Gilbert and Stearman Roads all require major upgrades to serve the traffic created by the project and pending opening of the 202 Santan Freeway.

The basic terms of the agreement are:

- The Developer will build a minimum of 400,000 square feet of new retail uses on the site made up of at least two large anchor retail stores.
- The Developer will complete street improvements to Gilbert Road to City standards.
- The City will build Germann Road and the Stearman Road connection.
- If the Developer includes a premier retail store in the project, the City will reimburse \$2.7 million for Gilbert Road improvements and provide full credit for arterial street impact fees due for the project.

Funds to building the infrastructure improvements necessary to serve the project are available. Reimbursements for improvements for Gilbert Road improvements, if necessary, will be generated by the retail uses in the project.

MOVED BY COUNCILMEMBER WALLACE, seconded by COUNCILMEMBER BRUNO, to approve the Consent Agenda as presented. Motion carried unanimously (7-0).

ACTION AGENDA

49. AREA PLAN AMEND.: Amend Section 7 Area Plan (CHUPAROSAS)
& REZONING/PRELIMINARY DEVELOPMENT PLAN

Reso. #3666
Ord. #3472

Principal Planner BOB WEWORSKI addressed the Council relative to this agenda item. DVR02-0026 CHUPAROSAS, and stated that it is a request to amend the Section 7 Area Plan along with rezoning from Agricultural District (AG-1) to Planned Area Development (PAD Mixed Use) for a mixed use development with Preliminary Development Plan (PDP) approval for the approximate 40-acre parcel located on the SWC of Dobson and Germann Roads. (Applicant: Whitneybell Architects.) Mr. Weworski referred to slides displayed in the Council Chambers and discussed the parcel's location and surrounding zoning.

Mr. Weworski explained that part of the request is to amend the Section 7 Area Plan and noted that this is a process through the General Plan. He added that the Area Plan dictates the land use patterns for that particular area. He noted that the Section 7 Area Plan is bounded by Germann Road to the north, Dobson Road on the east, Queen Creek Road on the south and the City boundary along Price Road on the west side. He noted that the Section 7 Area Plan was developed as part of the employment district, namely, the Motorola development, which is in the center of that Section 7 Area Plan. He said that the Area Plan has always included major employment areas on the west end as well as multi-family development. He added that a good portion of multi-family land use currently

exists. He said that the proposal before the Council this evening is to amend the Section 7 Area Plan to decrease the existing multi-family portion of the development. He noted that the applicant is intending to divide the parcel into a 25-acre portion of multi-family, 11 acres of commercial, retail and office development (C-2 uses) and an institutional land use, which is for a church and educational center.

Mr. Weworski reviewed highlights of the project that included an "integrated village-type concept," along with the development of 258 apartment units on the south end of the site as well as an institutional use (church/educational center along with some recreational fields). In addition, the commercial development is proposed to include retail and office and the applicant is signifying the intersection corner as a "gateway feature" with a pedestrian archway. He stated the applicant, where possible, has developed some other commercial sites so that the footprints show there are integrated buildings, landscaped settings on some buildings, and, as a backdrop, in-line shops with some office development above on the second story. The architecture is Spanish Mission Revival style, which provides a strong architectural relationship to the adjacent commercial and institutional uses. He noted it was Staff's opinion that the proposal and entire site are very pedestrian oriented and that the developer has done an excellent job of "linking" the various uses together. He added the two-story apartment buildings will feature 1, 2 and 3-bedroom units and that additional units contain lofts above garages.

Mr. Weworski noted that the use is integrated with the other uses on the site and contains pedestrian connections and offers people the opportunity to live, work and receive an education all on this one site. He said that the applicant has attempted to decrease the visual impact along Dobson Road and incorporated both one and two-story elements along Dobson Road. He pointed out that the overall density of the multi-family development is 17.1 units. He also commented on the proposed institutional use and said that the Tri-City Baptist Foundation plans to move their operations from their existing campus in Tempe to this site. He added that they plan a worship center along Germann Road in a landscaped setting with educational facilities, with an academic building and dormitories, on site. He said they also plan to include a soccer field and recreational field. He noted that the church will incorporate some of the Spanish Mission Revival architectural features. He pointed out that the Planning Commission, at their meeting, indicated support for enhancing some of the architectural features, making them more similar to what is being shown on the commercial/retail and the apartment components. He said that they developed a stipulation requiring the applicant to work with Staff to accomplish this goal and enhance those features and support the plan unanimously.

Mr. Weworski reported that the applicant has held two neighborhood meetings, one of which was an Open House that was attended by approximately 30 residents. He stated that the neighborhood members expressed concerns relative to the multi-family apartment portion of the proposal and added that a number of people did express appreciation for the pedestrian oriented features and the architecture that is being proposed. He added that some of the neighbors also expressed concerns relative to some of the proposed commercial/retail development and it being typical of other in-line shops seen at many other locations. He said that the second meeting was conducted during the Clemente Ranch Homeowners' Association annual meeting.

Mr. Weworski stated the applicant had met all of the requirements of the notification process and to date, Staff has received one telephone call and numerous emails in opposition to the application and the proposed apartment use for the project. He

commented that the applicant has received a letter from representatives of the nearby Motorola campus, stating that they are not opposed to the project.

Mr. Weworski said that Staff recommends approval of the Area Plan Amendment, the Rezoning and the Preliminary Development Plan with stipulations as outlined.

In response to a request from Councilmember Wallace relative to traffic flow issues, particularly the lack of full-diamond interchanges at certain locations, BRYAN PATTERSON clarified that there is a full-diamond interchange at Price Road where there are two interchanges. Councilmember Wallace commented on the mall and the amount of traffic at the employment corridor along Price and asked Mr. Patterson whether he thought a significant amount of that traffic would go to Alma School Road and then "filter back" through the neighborhoods. He responded that he did not and added that he expects that the traffic will go west to Price.

JASON MORRIS, 2525 E. Arizona Biltmore Circle, representing the applicant in this case, addressed the Council and said that the applicant and the development team, in his opinion, have put together an exceptional, quality proposal. He reiterated the fact that the plan integrates pedestrian uses and is truly mixed use. He commented on the extensive work that has gone into developing this proposal over the last year. He stated the opinion that the apartments are a key part because they bring the residential component into this mixed-use plan and allows living and working to occur in the same area. He commented on the fact that the Planning Commission voted unanimously in support of the project and added that Staff also has recommended approval.

Mr. Morris stated the opinion that misunderstandings and myths exist relative to some of the component parts and their impact on the City of Chandler. He said that one of those myths has to do with there being an inordinate number of apartments in this particular area and in the City of Chandler in general. He pointed out that the section plan for this area is for entire multi-family development and noted that the entire number of multi-family units, if multiplied by the acreage under the existing plan would allow for 3,456 multi-family units. He said that they are proposing to develop a total of 610 units for this section, which includes the previously approved Mark Taylor project. He stated that it is worth noting that the only other existing multi-family community within a mile radius of this project is the Fairfield Community, which is currently 93% occupied. He also reported that Chandler, as a City, is well below the national average for a multi-family component. He said that when you remove condominiums and town homes from the statistics, apartment unit multi-family development accounts for only 14 to 16% of housing in the City of Chandler.

Mr. Morris advised that another misunderstanding exists relative to the fact that multi-family housing detrimentally impacts property values for single-family homes and noted that no basis exists for that allegation. He added that studies conducted by the Urban Land Institute, that uses HUD figures, indicates that there is no differentiation between single family residences and appreciation near, adjacent to or far away from multi-family communities. He said that as part of a more recent case, an individualized study in Chandler proved this point on the local level, not just the national level.

Mr. Morris also addressed concerns that were brought up relative to traffic patterns in the area and noted that they are planning to decrease intensity and do not believe that this is an issue of concern. He discussed the retail component and the fact that statements have

been made to the effect that redundant retail will be created, particularly because of the proposed pharmacy. He said that within a mile and a half square area, there is only one other stand-alone pharmacy that would be in direct competition. He noted that the applicant has agreed to provide an adaptive reuse plan for the building in the unlikely case that the pharmacy does not succeed.

MAYOR DUNN posed questions relative to the phasing schedule as far as the retail component of the plan. He said he believes that the Planning and Zoning Commission wanted to ensure that the retail center would be brought on line in a timely manner. Mr. Morris responded that at the Planning Commission meeting, because there was not a specific stipulation about the phasing on just the retail portion, an additional stipulation was added requiring the developer to develop all of the other phases of the retail in conjunction with one or other buildings. He clarified that this means that while the pharmacy may be allowed to start construction, the individual pad building would not be able to be developed by itself and instead it would have to be developed in conjunction with the shops retail and the other building shown on the plan. He referred to the site plan to further clarify this matter and stated that there are approximately three phases, with retail anticipated to go first. He added that over the following thirty-six months they would see the church complex, which would start with the worship center, and then simultaneously the multi-family development is anticipated within that same timeframe.

The Mayor complimented the applicant and developer on the pedestrian friendly component of the proposal and Mr. Morris further expanded upon this particular part of the plan.

Mayor Dunn stated the opinion that one of the "shortfalls" the City has in its plan is the placement of pedestrian access along major arterials and expressed concerns relative to safe sidewalk placement.

Planning and Development Director DOUG BALLARD responded to the Mayor's concerns and said that Staff can add and record public access easements and added that the stipulations and requirements of the Preliminary Development Plan itself will require that the applicant see that those be maintained. He added that this does raise a question as to the financial commitment for maintaining those common areas and said that this is something that would be worked out during the plan review process to ensure that this occurred.

MR. MORRIS stated that a Joint Maintenance Association will be formed which all of the uses within the plan will contribute to and community benefits as far as access and amenities. Mayor Dunn stated he could see the benefit of the open access area to those using the park in accessing the retail and food areas in the commercial center.

COUNCILMEMBER WESTBROOKS referred to Stipulation 15 (The tenant names on at least one of the retail center monument signs shall be used on a one-year rotational basis) and asked how this would work. Mr. Morris agreed that this is an unusual stipulation and said that it came about as a result of the Planning Commission meeting. He explained that the ultimate goal is for a variety of the tenants to have an opportunity to display their signage. He noted that staff had developed an alternative draft stipulation that is more general in nature. Mr. Morris added that in speaking with staff prior to the meeting, if the applicant is fortunate enough to be granted approval by the Council, they will either be looking at that language and trying to enforce the original language and the intent from

Staff or somehow come up with a Letter of Agreement as to how the enforcement will occur.

COUNCILMEMBER WESTBROOKS commented on concerns expressed by citizens relative to the construction of another pharmacy and noted that Stipulation 13 (The re-use exit strategy plan for the pharmacy building), appears to address this. Mr. Morris explained the plan not only shows the inside configuration but is also part of a larger plan as to how the site itself could be adapted from the outside.

In response to a request from Councilmember Bruno relative to Stipulation 16 (Banner signs shall be prohibited), MR. MORRIS expressed the opinion that this is the result of some unfortunate circumstances at some existing Chandler locations and/or the result of some inspection issues that the City has faced. He emphasized that the restriction is not directed at this particular applicant.

COUNCILMEMBER BRUNO commented that she has concerns with this stipulation since the City's signage laws that are in place are strict and specific and limit the number of days such banners can be in place. She said that if a motion for approval is made, she will indicate her desire to amend the stipulations and remove Stipulation 16. The Mayor clarified that if the stipulation is removed the current sign code would govern the placement of such signs.

COUNCILMEMBER WESTBROOKS asked the percentage of multi-family in the City and what was included in the statistics. Mr. Weworski responded that overall City-wide multi-family housing accounts for 22.7% of the total housing and this includes apartments, town homes and condominiums. He stated that conservatively, the breakdown for apartments citywide, with the assumption of 10 units and above, which could include condominiums, is approximately 16% citywide. In response to clarification from Councilmember Westbrooks, Mr. Weworski said the number is the percentage of the entire total units including single family, mobile homes, etc. and not the density of a particular development.

MR. BALLARD clarified that projects of whatever nature that are attached that are 10 units per acre or higher in density are 16% and the balance that would bring the total to 22.7% would include townhome projects and lower density condominium projects. He stated they don't break it out by ownership vs. rental but rather on a density basis and comparing it not to the land in the City but to the number of dwelling units in the City, including single family.

COUNCILMEMBER WALLACE asked what the projected employment numbers were along the Price Corridor. She stated while she supports the project, her concern was relative to potential traffic problems in this area. Doug Ballard stated that there were several large corporations however he did not have the numbers immediately available.

MAYOR DUNN said he supports the fact the project decreases the number of multi-family units in the area and asked the viability of single family in this area. MR. BALLARD stated that when Motorola came in it was understood that multi-family would be an acceptable alternative to single family. He noted that Motorola supports the plan as currently presented.

In response to a request from Mayor Dunn, MR. WEWORSKI discussed Staff's opinion that the multi-family development next to this particular community park in this case is appropriate and offers many advantages.

MAYOR DUNN said that quite a number of citizens have submitted slips indicating either their support or opposition to the issue and added that almost all of them do not necessarily wish to speak at this time. He reported that 22 citizens have indicated support for the project and 3 have indicated opposition but they do not wish to speak. The Mayor said that one citizen wishes to speak on this matter and asked him to come forward at this time:

TIM CASEY, 1473 West Thompson Way, indicated his intention to speak on behalf of the citizens who object to this project and requested additional time. The Mayor agreed to provide Mr. Casey additional time in which to present his remarks.

Mr. Casey said that he is the President of the Vineyards of Chandler Homeowners' Association, representing 421 homes near the NEC of Dobson and Germann. He said that he also is speaking on behalf of the Pecos Vista II Homeowners' Association, which represents over 200 homes just to the north of them and has a letter of support from them in his possession. He stated that a majority of the members of both Homeowners' Associations strongly oppose the project and stated the opinion that the proposal is wrong for the long-term viability of the neighborhood. He expressed concerns relative to repetitive retail and added that it is not and will not be sustainable. He referred to a map displayed in the Chambers and said that there are 11 other pharmacies within two miles, or a five-minute drive, of the proposed pharmacy. He indicated that the members would prefer to see businesses developed on that corner that would contribute to the neighborhood, such as a restaurant, childcare facility, sports equipment store, etc.

Mr. Casey also spoke in opposition to the development of additional multi-family housing in the area and noted that the proposal will add another 258 apartments to an area already saturated with multi-family housing. He said that although it has been stated that the recommended density level falls within allowable guidelines in the one-mile area, if you extend the area out to two miles, an additional 23 rental unit complexes exist. He said that the group has requested additional information from the applicant relative to vacancy rates and traffic statistics and other issues and has not received any reply. He stated the opinion that original employment projections are inaccurate and overly optimistic and added the opinion that the actual number of potential residents and visitors to the area will not support the apartments and drug store included as part of this project. Mr. Casey emphasized that the homeowners are not opposed to development and believe that the project is high quality but added the opinion that it is not appropriate at this location and, over the long term, will negatively impact the quality of life and safety of residents in that area. He said that speaking on behalf of all of the homeowners he represents, he would urge the members of the Council to vote no on this issue and preserve the neighborhoods that already occupy this area. He thanked the Council for the opportunity to address them.

The Mayor clarified that within the two-mile radius referred to by Mr. Casey, some of the multi-family development he referred to along Pecos and Dobson are really senior and assisted living facilities. Mr. Casey said that he believes only two of those are the type referred to by the Mayor.

Mayor Dunn thanked Mr. Casey for his presentation.

MR. MORRIS noted that many of the stand alone business uses referred to by Mr. Casey as preferred are ones that Staff has expressed opposition to in the past because of their past failures since they were not part of a "dynamic" plan. He emphasized the importance of "interplay" between all of the proposed uses. He also pointed out that due to the church component contained in this project, alcohol sales will also be restricted as well as adult material, and this too will benefit the area.

MOVED BY COUNCILMEMBER BRUNO to adopt Resolution No. 3666, approving the Section 7 Area Plan Amendment, as per Planning Commission and Staff recommendation and to introduce and tentatively adopt Ordinance No. 3472, approving the rezoning request DVR02-0026 CHUPAROSAS along with Preliminary Development Plan approval, subject to conditions as per Planning Commission and Staff recommendations with the removal of Stipulation 16 (Banner signs shall be prohibited).

COUNCILMEMBER WESTBROOKS SECONDED the motion.

THE MAYOR noted that due to the removal of Stipulation 16, a renumbering will occur resulting in a total of 20 Stipulations. Staff concurred with the Mayor's comment.

COUNCILMEMBER WESTBROOKS commented that he had an issue with Stipulation 15, the rotating sign, and indicated his preference to stipulate Staff's recommendation in this area rather than the Planning & Zoning Commission recommendation.

COUNCILMEMBER BRUNO, the maker of the motion, concurred with COUNCILMEMBER WESTBROOKS' statement and agreed that the stipulation will be as recommended by Staff.

MR. WEWORSKI stated that Stipulation 15 would read as follows: "The tenant names on the monument signs shall be used on a rotational basis to allow for a variety of tenant identification for the retail center."

COUNCILMEMBER BRUNO, the maker of the motion, and COUNCILMEMBER WESTBROOKS, who seconded the motion, agreed to the amended language in Stipulation 15 as stated above.

COUNCILMEMBER CACCAMO asked how banner signs would be controlled so they would not get out of hand and Mr. Weworski briefly highlighted the current code, stating they are allowed on a permit basis for a limited conditional basis.

COUNCILMEMBER WESTBROOKS thanked Mr. Casey for his presentation this evening and commented on the fact that the proposed project will actually lower the amount of density that could occur in this area. He also urged Staff to develop a method of accurately gauging the number of multi-family units located throughout the City. He stated it has always been his recommendation for the City to stay below 15% of true multifamily projects.

MOTION CARRIED UNANIMOUSLY (7 TO 0).

Mayor Dunn thanked everyone for their comments.

(The Mayor declared a brief recess at 8:52 p.m. and the meeting resumed at 9:05 p.m.)

50. COUNCIL DISCUSSION/POSSIBLE ACTION: ADOT Sound Walls on the San Tan Freeway between Dobson and Alma School Roads.

MAYOR DUNN stated that the City Council has always been concerned about the quality of life in the City and finally, after almost 20 years in the first cycle, the City will have two freeways. He recalled the actual construction of the Superstition Freeway and said that he owned a home at that time near the freeway. He commented on one of the conclusions that people draw when they live near freeways is that they will have to live with the noise that goes with them. He noted that the only sound mitigation in the past to alleviate this impact was the construction of walls and other structures in an effort to block that sound. He stated that with the rubberized asphalt being put down on the Superstition Freeway, for the first time in his memory and the memories of many friends and neighbors, this allowed them to actually carry on conversations in their back yards and be able to hear what each other was saying. He noted that the rubberized asphalt is the new technology that allowed that to happen, in conjunction with the walls.

The Mayor said that soon after being elected Mayor, he approached the Arizona Department of Transportation (ADOT) and demanded that this new technology also be put in place on the freeways within the City of Chandler. He briefly discussed conversations that took place between ADOT and the City relative to his request and the fact that the City was told that if it wanted enhanced noise mitigation efforts put into place, the City would have to bear the costs associated with that. He noted the City's opposition to paying for this enhancement and said that his feeling was that since the asphalt was applied to freeways in other locations, the same should be done for the City of Chandler. He stated that with the cooperation of ADOT and other Valley Mayors, a plan was developed to apply rubberized asphalt on a majority of the freeways in the East Valley and also in other parts of the valley and \$34 million was found to do so.

Mayor Dunn stated that the point he wanted to emphasize that never once did he indicate in any manner that rubberized asphalt would be a replacement to the current heights of the walls. He noted that no reduction in the height of the walls along the Superstition Freeway ever occurred and added that although he is not an engineer, he does know that a better job can be done. He commented on the fact that rubberized asphalt will provide homeowners' along the freeway with enhanced sound mitigation in association with the construction of walls. He reported that within a year, the City will have rubberized asphalt on all of its freeways and added that Chandler will be the first City to have total rubberized asphalt on its freeways. He said that along the 101, although walls were initially built, they are being added constantly because of difficulties associated with blocking the noise. He advised that one of his intentions was to prevent that same thing from happening along the San Tan Freeway and stated the opinion that a solution needs to be reached as soon as possible. He expressed opposition to repeated retrofitting to deal with problems that might arise. He noted that the monies were found to fund the placement of the rubberized asphalt without any reduction in the walls. He also explained that by working with the Maricopa Association of Governments (MAG) and other organizations including ADOT, the monies were able to be raised by deferring construction of two Park and Ride lots, taking some funds from another project that was not due to be constructed until 2007 and by using some allocated Federal transportation funds. The Mayor stated that over and

over again, on eight separate occasions, formal action was taken to use those funding sources to pay for the rubberized asphalt and not once during all of these meetings was any action taken to reduce the height of the walls as a way to fund the program. He said that from his perspective it is important to remember that the City has been paying sales tax as citizens of Chandler for 20 years and they have paid for those walls. He added that the height of those walls has been promised to the citizens and he and members of the Council who will speak on this issue this evening, expect those walls to be constructed to the height promised.

Mayor Dunn also said that he is aware of the fact that there have been certain circumstances around the valley where rubberized asphalt was placed and citizens have decided to lower the wall heights for their own personal reasons. He noted that there if there is a consensus in the neighborhoods along the San Tan Freeway to lower walls, those discussions will take place but emphasized that there must be a "clear consensus" before he would support any lowering of the walls. He stated the opinion that the rubberized asphalt, in conjunction with the walls at the correct and promised height, will enhance the quality of life of homeowners along the freeways.

BILL HAYDEN, 206 South 17th Avenue, representing the Arizona Department of Transportation (ADOT) addressed the members of the Council and introduced members of staff - John Aiken, Resident Engineer on the upcoming project; Fred Garcia, Supervisor Environmental Planning Services Noise unit; and Doug Nintzel, Media Spokesperson to provide clarifications and input and respond to any questions/concerns that might be brought forward. Mr. Hayden noted that the freeway continuation is imminent and consists of a six-lane divided freeway with a half diamond traffic interchange at Dobson Road with access to and from the east; a full diamond interchange at Alma School Road; a bridge over Arizona Avenue with ramp connections to and from the west; sound barrier walls with rubberized asphalt surface paving. He noted that the recently awarded \$32 million contract was provided to Edward Kramer & Sons with the onset of construction to begin in early August. He stated the opinion that the freeway will be open to traffic in December of 2004 and added that over 1.3 miles of sound barriers will be constructed during the first six months of the project.

Mr. Hayden noted that on July 8th, ADOT held an informational meeting at Conley Elementary School to preview the proposed construction with residents in the area. He noted that of particular concern to the residents of the Carrizal subdivision was the deletion of 1,650 feet of a sound wall between Sean Drive and Alma School Road. He said that the wall is located on the northern boundary of that subdivision and added that ADOT had intended to leave the existing privacy wall that varied in height between eight and ten feet as a barrier between the freeway and this neighborhood. He reported that this suggestion was met with significant opposition from approximately 150 residents who attended this meeting and said the residents were adamant that the deletion of that sound barrier was not acceptable. He stated that in response to their concerns, ADOT remodeled their previous noise analysis and determined that elements that had been used needed updating to meet ADOT's current revised noise abatement criteria, including the use of rubberized asphalt. He added that the results of further study indicated that a 14-foot high noise barrier would be needed in combination with the use of rubberized asphalt to meet the noise standard of 64 decibels. He said that additionally, the barrier wall would wrap around the corner of Alma School Road and extend south approximately 140 feet as it steps down from its 14-foot height at Alma School Road to 8-feet. He stated the opinion that this extension will help reduce noise from traffic using the Alma School bridge and off

ramp, which was an issue of great concern among the residents living near that corner. He also commented that all previously eligible walls will be constructed to a 14-foot height to ensure consistency throughout this freeway segment and in an effort to be "neighborhood friendly."

Mr. Hayden said that ADOT has listened to the concerns expressed by the residents and based on their technical analysis, they are committed to meet Arizona's noise standard of 64 decibels, which is three decibels lower than the Federal Highway Administration's requirement and is in fact the lowest in the nation. He expressed ADOT's opinion that the combination of the freeway's design features, noise walls, and rubberized asphalt is consistent with their noise policy for all valley freeways to reach an accepted level of noise in the neighborhood. He encouraged the members of the audience to review copies of informational sheets that were distributed earlier containing details relative to the proposal. He emphasized that ADOT is prepared to measure traffic noise for three years after the completion of the project and said that should the modeling that they are using today fail to be accurate, incorrect or over/under estimate the noise levels and does not reach the 64 decibel level, ADOT will evaluate the most effective noise mitigation, including raising the wall height as needed. He added that in order to accomplish this goal, ADOT will construct at this time a footer, or foundation, that will allow for the additional height to occur as determined necessary.

Mr. Hayden noted that over the past three years, three neighborhood meetings have been conducted in the area between Dobson and Alma School Roads and said that they have held numerous other neighborhood meetings and have come to know many of the residents on a first name basis. He expressed the opinion that most of them, although certainly not all of them, recognize that ADOT's intent and object was and is to construct the freeway but also to minimize the impacts, particularly noise, on the neighborhoods. He said that to that end, ADOT's commitment to the Council, the City of Chandler and those Chandler residents is to construct a freeway that is state-of-the-art and provides a safe, efficient transportation facility and, even more importantly, that addresses the concerns, the environmental wellbeing and quality of life of those residents living in those neighborhoods.

Mayor Dunn asked whether the Council would like to pose questions at this time.

In response to a question from Councilmember Anderson, Mr. Hayden explained that when the consultant did the modeling for this section of freeway, one of their conclusions was that the area between approximately Sean Drive and Alma School Road (approximately 1,600 feet) would not require additional noise walls other than the privacy wall that was already in place. He added that during the meeting, the neighbors were advised that the wall would be deleted based on that modeling. He noted that they subsequently found that the modeling was not as complete or comprehensive as it should have been because, in part, the firm did not include the most recent addition of the use of rubberized asphalt as a component of noise mitigation. He said when they revisited that issue, they remodeled and performed a second analysis, which recommended that a 14-foot high wall, in combination with rubberized asphalt, would allow them to reach the ADOT noise policy standard of 64 decibels in the neighborhood. He said the decision was based on this information.

In response to a question from Councilmember Anderson, Mr. Hayden replied that reducing the height of walls in any situation could, but does not always, result in a cost

savings. He continued in saying that ADOT's estimate if they constructed a noise wall from Sean Drive to Alma School Road, with the wrap around barrier as well, the cost would be somewhere in the vicinity of \$550,000 to \$600,000. He stated that wall is now being included. He said the earlier estimate for the construction of all noise walls (1.3 miles between Dobson and Alma School Roads) was estimated at approximately \$2.1 to \$2.3 million and if they were to continue with the earlier statement of 20-foot high walls through that entire section, the cost of that today would be approximately \$1.6 million.

Mr. Hayden said another factor is in the noise analysis that considers for every two feet of wall height there is a decibel reduction. In part, this analysis considered that the 6 feet between the 14 foot recommended height and the previous 20 foot recommendation would result in an approximate 3 decibel difference had they not included the rubberized asphalt. In ADOT's analysis and pilot noise study, they took a conservative estimate of a 4 decibel reduction through the application of rubberized asphalt so the net noise at the 14 foot wall height would meet and possibly be below the 64 decibel level.

He stated that in an agreement with the FHA and ADOT there is an inclusion of a 10 year study to evaluate the effectiveness and tenure and viability of rubberized asphalt as an effective noise mitigation tool. He stated that all other states use walls or berms to mitigate noise. He explained however, that 75% of the noise comes from tires compressing against the pavement and the balance comes from exhaust or emission noise. By using rubberized asphalt, the concept of correcting the problem at the receptor has changed to controlling the noise at the source. He explained the walls give maximum benefit to the homes closest to the wall – in the shadow zone, but the noise goes back up the further you get away from the wall.

Mr. Hayden advised that as soon as the freeway project is completed and traffic is rolling on this section, ADOT would begin noise testing in the neighborhood immediately in an effort to determine impacts and levels. He noted that the monitoring would continue for a period of three years whether on a complaint generated basis or periodic scheduled reviews.

Councilmember Caccamo said that ADOT was "boasting" that the 64 decibel level standard is 3 decibels below the Federal level and noted that the 20 foot wall would give them 3 decibels below ADOT's standards, which is what the Mayor had intended all along. He said they are looking at houses that have no decibels next to them and are moving from none to 61 (City's intent) to 64. He commented on the fact that if after the study is conducted and it is determined that the walls have to be retrofitted, they are then at the mercy of the budget and said they don't know how long a retrofit would take and where that priority would be. He added that if they are putting in footings for walls at 14 feet, it makes sense to him to just put the walls at 20 feet right now. He said this will save costs associated with retrofitting and avoid delays and frustration. He emphasized that the City's intent was never to be at 64 decibels.

Mr. Hayden commented that ADOT's experience in the valley where they have identified "hot spots," i.e. noise levels higher than anticipated, higher walls were built. He pointed out that many of those areas did not have the rubberized asphalt component in place. He said that ADOT's commitment is (as soon as they begin the testing program) should it be determined that they were in error in their projections of the noise levels, they will go back and replace or heighten the walls as quickly as they possibly can and funding, either from contingency or other sources, would be obtained for this to occur.

Vice Mayor Huggins stated the opinion that ADOT should abide by their original agreement and promises and changes to the height of the walls should not occur. He noted the sales tax dollars that Chandler citizens have paid over the years and said that ADOT's decision to change from the original plan is eroding trust in their organization.

COUNCILMEMBER WALLACE clarified that ADOT intends to construct a footing that could eventually handle a 20 foot high wall if it is determined to be needed. Mr. Hayden replied yes. Councilmember Wallace asked if there was any discussion at the time when the commitment was made for the rubberized asphalt that the walls would be lowered. Mr. Hayden said that they have reviewed the minutes of the various staff meetings and MAG meetings, but have been unable to produce any documentation where that occurred. Councilmember Wallace stated the importance of trust and the fact that ADOT's change and lack of notification is very detrimental in this area and many citizens feel "cheated" and "misled;"

MR. HAYDEN said it was ADOT's intent to continue to work as a partner in cooperation with the City of Chandler and its citizens on this project since there are still many miles of the freeway to be completed. He stated it was ADOT's intent for the future that at any time where there is a material change, there will be a formal notification of Mayor and staff of the change.

COUNCILMEMBER WESTBROOKS stated the map that they have was incorrect and asked Mr. Hayden to clarify the placement of the walls. Mr. Hayden advised the wall would be wrapped around Alma School Road at a 14-foot height and then continue south approximately 140 feet.

COUNCILMEMBER WESTBROOKS expressed the opinion that ADOT should do what was originally proposed and said that there are people who purchased their homes in that area based on the original information provided by ADOT and they should give the taxpayers what they have already paid for. He discussed meetings and additional information that have transpired regarding this matter and said they should not stray from their original promises. He also reported that Senator Jay Tibshraeny fully supports the original proposal and said with Council concurrence, he would also be willing to forward a letter to the Governor spelling out the City's concerns in this critical area.

MR. HAYDEN reported that a contract has already been entered into and construction is due to begin the first week in August, and suggested that as early as possible a meeting with the legislators, City Council and Staff and ADOT management be scheduled to discuss what options and venues are available to them as a group at this point in time. He clarified that he cannot commit that anything different will be done other than what is being presented but said that they have heard their concerns and believe the first step to resolve issues is to hold the meeting and decide whether funding is available to make their requests happen and if so, where will it come from, and other considerations.

MAYOR DUNN reiterated the Council's strong position on this matter and said he also met with Representative Bob Robson who shared his concerns. He asked whether walls were lowered on the Superstition Freeway when the rubberized asphalt was laid and Mr. Hayden replied that in that particular case, the walls were not lowered. Mayor Dunn stated that the City of Chandler wants to be treated the same way.

Mayor Dunn also asked whether funding for the 20-foot walls has been fully budgeted and Mr. Hayden advised that the funds were appropriated but he was not clear whether or not they had been reallocated to the general fund or the rubberized asphalt fund.

Mayor Dunn said that it is his understanding that in terms of the present plan for the freeway, it has been fully budgeted, including funds for the originally promised heights of the walls. He noted that a significant savings will result because of ADOT's proposed change to the plan, approximately \$1.6 million in savings, and asked where those monies will go. Mr. Hayden responded that those funds would be returned to the bigger pool of funds to rubberize the remainder (not all, but most) of the other valley freeways.

The Mayor announced that a number of citizens have indicated a desire to speak and asked them to come forward as their names are called and present their remarks.

GLENN GORKE, 1331 West Hawken Way, President of the Carrizal HOA Board, stated that he is the Engineering Public Relations Supervisor for the City of Mesa, and said that he is therefore used to these types of projects. He said he was quite surprised when he looked at the plans to find that the wall was gone. He said he worked very hard with the neighbors in an effort to get the 150 people there to make a point about the wall being missing and said he was not as concerned about the height. He added that once ADOT met with him and several residents at his home and told them they would get the wall and the wrap around 140 feet south on Alma School, he said that he was happy (and was so quoted in the paper) because the wall was back. Mr. Gorke stated that after listening to everything that was said this evening and learning some new information, he fully supports the City Council's proposal and agreed that it is wrong to promise something over such a long period of time and then not deliver what was promised.

JACK REEVES, 1361 S. Karen Drive, said that he lives in the second house away from the freeway on Alma School and Carrizal. He added that he has retained an attorney from Los Angeles on a tentative basis to represent him and noted that the firm has a great proven track record. He said he is being told that they can stop the construction of the freeway potentially and do whatever has to be done to force ADOT to do what they promised and agreed to do. He said he feels very strongly about this matter and the importance of complying with what was promised. He also commented on the fact that at a Valley Partnership meeting he attended a few months ago, a presentation was made on the light rail system and at that presentation a representative from the Governor's Office stated that 25% of the sales tax money that goes towards freeways is now being diverted as needed to fund the design of the light rail system. He urged the Council to ensure that ADOT complies with all of their original promises.

VINCE PELLECHIA, 1602 West Flintlock Way, said he lives in the sixth house west of Arrowhead, approximately 300 feet north of the San Tan Freeway. He stated the opinion that they have the whole thing wrong and the end point at the State is 64 decibels and it is dependent upon two variables, the road surface and the height of the wall and they want to keep everything the same but maybe change the road surface. He said this would be wrong because when you change the road surface you change the sound, the pitch and taxpayers' money should not be spent to put in a 20-foot wall when only a 14-foot wall is needed. He added that a fiduciary responsibility exists, on the part of the State and the City, to put that money elsewhere. He also commented on sound mitigation and stated the opinion that the Council is wrong.

NANCY RYAN, 1064 W. Enfield Place, agreed with the comments of previous speakers relative to the importance of ensuring that ADOT sticks to their original commitments and upholds their promises. She thanked the Council for bringing forth this very important quality of life issue. She said that she was present at the community meeting and was disgusted by ADOT'S plans to reduce and eliminate walls and she and her husband went around the entire neighborhood alerting all of the neighbors to this surprise change. She urged the Council to remain firm in their excellent position.

RITA SNELL, 1372 West Longhorn Drive, said that she and her husband used an independent realtor when searching for a home and when looking at the property, they were handed a disclosure form, which is necessary when something such as this is going to take place. She stated that the disclosure form was from UDC, which had various meetings with ADOT. She explained that they could not obtain building permits unless they had these forms and everyone who purchased a home was given a form to sign. She said that at the end of the signing of the sale, somehow, very curiously, the forms "left the packet" and no one is admitting to having the forms, they disappeared. She noted that UDC was bought out by Shea Homes and at that point they took full responsibility and absorbed everything that UDC had. She said that the complex at Carrizal had not yet been finalized so she personally contacted ADOT and spoke to Mr. Garcia who assured her that the information on the form she and her husband signed was the "absolute truth" and the freeway was going to have an 18-foot wall and was going to be suppressed 14 feet. She said that upon that assurance, she and her husband signed the papers to purchase the home. She advised that she feels the disclosure was an agreement and ADOT must be made to carry out the original terms of the proposal and thanked the Council for continuing on the path to ensure that this happens.

In response to a question from the MAYOR, Mr. Patterson stated that no changes have been made to the profile (suppression) of the freeway to the best of his knowledge. Mr. Hayden confirmed this fact.

HOWARD SHANKER, 1215 W. Remington, said that he too was present at the July 8th meeting and was irate over what he heard at that time. He stated that he strongly supports the Council's position. He said that at the meeting he stood up and told them that what they were attempting to do was probably in violation of the National Environmental Policy Act and discussed his intention to sue them if no one else moves in this direction. He thanked the Council for their support.

FRANK PEAKE, 1199 North Melody Circle, Vice Chair for the Maricopa County Transportation Advisory Board, representing District 1, and also the past Chair and current Vice Chair of the City's Transportation Commission, said that the members recently heard about this issue. He noted that the Commission's thoughts on this matter were forwarded to the Council. He agreed with previous comments that have been made including the fact that the citizens of Chandler have been paying for close to 20 years for this work and the cost is minimal compared to what the citizens of Chandler have paid out. He briefly commented on decibel levels and wall heights and agreed with the Council's position relative to this very important issue. He also noted that a commitment exists on ADOT's part that if it exceeds 64 decibels, that they would raise the wall as needed. He pointed out that this is not a commitment to raise the wall to 20 feet, only to come back and raise the wall "as needed" to get it to 64 decibels. He reiterated that the work has "already been paid for by the citizens of Chandler" and should go forward as originally presented.

THE MAYOR said that all of the speakers who submitted slips have spoken and asked if there were any other members of the audience who wished to comment on this issue at this time.

A member of the audience who did not approach the microphone stated she appreciated the promptness she received from the Council in responding to her e-mails.

KEN SCHULTZ, 1374 W. Remington Drive, said that he lives about four houses from where the freeway is going to go. He said that during the next three years when ADOT conducts the sound studies, highway traffic flows won't be at its maximum so if the studies stop in three years, they will not be accurate after that time traffic flows will continue to increase. He asked what steps could be taken then and asked the Council to make sure that the sound studies are extended for a much longer period of time to ensure accuracy.

In response to a question from the Mayor relative to HOV lanes, resulting additional noise and whether ADOT would go back and increase the height of the walls, MR. PATTERSON responded that for a major improvement such as that, ADOT would be required to update their environmental studies and redo the modeling, taking into account traffic projections at that time as well as a variety of other issues.

COUNCILMEMBER CACCAMO asked how high the sound walls are on the existing portion of the 202 and Mr. Hayden advised that they currently run from 14 to 20 feet. He noted that rubberized asphalt was not part of the modeling for that particular section.

COUNCILMEMBER WALLACE stated that she appreciates Councilmember Westbrooks' involvement in this issue and his request that the item be placed on the agenda and also expressed her appreciation to the representatives from ADOT for being in attendance.

MAYOR DUNN thanked Mr. Hayden and members of his staff for their attendance at the meeting. He stated the opinion that good discussion has occurred and the Council appears unanimous in its stand on this very important issue. He directed Staff to continue very strong dialogue on this matter and agreed with the suggestion that was made relative to scheduling an additional meeting to discuss the matter with State representatives, the Governor's Office and other involved and interested parties. He asked that the meeting be scheduled as soon as possible and noted that time is of the essence.

Staff agreed that the meeting needs to be held as quickly as possible but pointed out that a National Conference is being held next week that several representatives will be attending and suggested that perhaps the meeting be scheduled for the following week to ensure maximum attendance.

COUNCILMEMBER WESTBROOKS discussed the importance of communicating to the neighbors what has transpired and what is being planned, including communicating with the various homeowners' associations.

COUNCILMEMBER ANDERSON said that one of the speakers made a very good point relative to the fiduciary responsibilities of the Council and stated the opinion that promised, paid for commitments should be carried out and it is the responsibility of the Council to support those types of promises as well in cases such as this.

MAYOR DUNN thanked everyone for their input and attendance at the meeting and asked the City Manager to make sure that information is sent out to involved/concerned neighbors and residents regarding this issue.

PUBLIC HEARING:

PH1. ANNEXATION - 20 Acres at the NEC of Mountain Boulevard and Riggs Road

MAYOR DUNN declared the Public Hearing open at 10:35 p.m.

Mr. Thomas Ritz stated that the annexation involves only the property to be developed by the applicants, it is not within an airport noise contour, and not within a flood zone.

There being no speakers wishing to address the Council relative to this issue, the Mayor declared the public hearing closed at 10:36 p.m.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced the opening of the new coffee shop, "Pages", at the Library. He briefly commented on the ribbon cutting ceremony and encouraged citizens to come and enjoy the redesigned area. He noted that proceeds from the coffee shop will be used to further programs sponsored by Friends of the Library.

The Mayor noted that Chandler's newest high school, Basha High School, opens next Wednesday and added that Chandler's 4th branch library at the school will also open. He congratulated the District on their significant accomplishments, expressed appreciation to them for current, past and anticipated efforts and commented on the positive impacts of the partnership that exists between the District and the City of Chandler.

MAYOR DUNN provided information relative to the upcoming 4th annual Poster Contest for Hispanic Heritage Month and said that all Chandler students in grades K through 12th are invited and encouraged to participate. He stated that winners will be recognized at a future Council meeting and added that entries for the contest are due by the end of August. He encouraged everyone interested in participating in this event to contact Trinity Donovan at ICAN (917-6859).

The Mayor commented on the fact that the Human Relations Commission and the Hispanic Heritage Month Committee are seeking black and white photos from Chandler's Hispanic community from the years 1917 through 1967. He stated that the selected photos will be framed and exhibited during Hispanic Heritage Month (September 13th through October 13th) in Chandler and added that people wishing to submit photos for this exhibit can call 782-2217.

MAYOR DUNN announced that the Human Relations Commission will co-host a forum on the impact of our faith communities and how faith interfaces with the idea of an inclusive society. He noted that the forum will be held on July 31st from 6 to 9 p.m. in the Council Chambers and encouraged attendance at this event.

B. Councilmembers' Announcements:

Councilmember Anderson commented on the opening of the new Basha High School on Wednesday and noted that all schools in Chandler will be opening that same day and cautioned citizens to expend extra careful when driving their vehicles, particular around school areas.

Councilmember Westbrook stated that yesterday he had the opportunity to attend a program in the City of Chandler called Leaders in Training. He said that this is a youth program directed at youths ages 13 through 15 and noted that approximately 40 youths participated in the program. He added that its purpose is provide the City's youths with an opportunity to learn about City jobs and many City employees were mentors. He spoke in strong support of the program and thanked everyone involved for their efforts in this important area.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 10:45 p.m.

ATTEST: _____
City Clerk MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 24th day of July, 2003. I further certify that the meeting was duly called and held and that a quorum was present.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, August 14, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrooks	Councilmember

Also in attendance:	Pat McDermott	Acting City Manager
	Rich Dlugas	Assistant City Manager
	Dennis O'Neill	City Attorney
	Marla Paddock	City Clerk

Staff present: Mark Eynatten, Garrett Newland, Chief Roxburgh, Laurie Stevens, Dave Siegel, Doug Ballard, Acting Chief Neuman, Bryan Patterson

INVOCATION: The invocation was given by Pastor Jose Donan – Trinity Christian Fellowship.

PLEDGE OF ALLEGIANCE: Vice-Mayor Huggins led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Retirement Recognition

MAYOR DUNN, assisted by MARK EYNATTEN, recognized KAREN DRAKE on her upcoming retirement from the City of Chandler. Mr. Eynatten stated that Karen joined the City in 1976 as a Library Aide and was promoted to Library Specialist in 1980. In 1984, after receiving her Masters in Library Science from the University of Arizona, she was again promoted to Public Service Librarian and four years later she was promoted to her current position of Library Manager. Over those fifteen years that Karen has led the City's Library system circulation has increased from 400,011 a year to 1,817,000 a year. The size of the City's collection has increased almost 300% and the City has gone from one library with 7,500 square feet to four libraries with 125,000 square feet. This past year, the Library has topped 1,121,000 visits and the number of programs has grown significantly. Mr. Eynatten outlined just a few of Karen's accomplishment over the years, which included the establishment of a "City of Readers" education program (C.O.R.E.), the launching of The Friends Foundation and a \$1 million endowment campaign to provide stable future funding for the Library, creation of the State-wide "One Book Arizona" program and the development of a 10-year agreement with INTEL to provide \$1 million worth of technology to the City's libraries. Mr. Eynatten also discussed a variety of other achievements that included the awarding of grants, and said that Karen leaves a legacy of vision, leadership and mentoring that has encouraged many in the City to be better than they thought they could be. He expressed appreciation to Karen for her years of dedicated loyalty and service to the citizens of Chandler.

THE MAYOR also pointed out that during her tenure with the City, Karen oversaw the development of 4 branch libraries; developed a top-notch literacy program, promoted the library as a small business resource center, moved the library to a high-tech center with computer resources and formed partnerships with school districts, the private sector and GRIC. He congratulated her on her well-deserved retirement and also thanked her for her hard work and achievements.

MS. DRAKE said that having worked for the City over the last 27 years has been an amazingly wonderful opportunity and said she considered it to be one of the primary blessings of her life. She commented on the fact that she has had the opportunity to work with amazing members of Library and City Staff, friends and volunteers as well as dedicated Board members. She expressed appreciation to the current and to the previous Mayors and Councilmembers who have shown their support.

2. Arizona Water & Pollution Control Association Presentation:

MAYOR DUNN requested that GENE PATTERSON and JAMES GRUBE join him at the podium. He stated that Gene works at the City's Reverse Osmosis Plant and was named the AWPCA Maintenance Mechanic of the Year. He is a very motivated and tireless individual whose approach to maintenance has always been proactive. He took the initiative to create a preventative maintenance schedule for all of the plant machinery. Gene has been involved with several Total Quality Management Projects including the construction of a single-element cleaning skid for reverse osmosis elements and a chemical handling device that minimizes the potential risk of injuries. His many years of knowledge and long-term relationship with other professionals, contractors and vendors has been an invaluable asset to the facility and has made a safer environment in which to work.

The Mayor said that James is an experienced professional who takes much pride in his work. The facility was without its Instrument Technician for several months recently and James performed an outstanding job as a replacement in addition to his normal duties. The plant has several hundred instruments that require calibration on a regular schedule and James spent many hours acquiring the knowledge needed to perform these tasks. His positive, unselfish attitude and willingness to cover the vacancy is reflective of his strong work ethic. James has been an invaluable asset to the facility, the City of Chandler, and the water treatment industry.

MAYOR DUNN stated that it is his honor to present GENE PATTERSON and JAMES GRUBE awards from the Arizona Water & Pollution Control Association.

3. Friends of the Library Youth Scholarship

MAYOR DUNN asked KATHRYN COOK and KAREN GURECKI from the Friends of the Library to join him at the podium. Ms. Drake said that last year the Friends of the Library established a new tradition by awarding a scholarship to an outstanding library youth volunteer. Requirements for that award include being a graduating senior, must have given at least two years of volunteer service to the Library or the Friends of the Library organization, must be nominated by a member of Staff of Friends member, must be planning to continue your education beyond high school by attending a four year community college or a vocational educational program. She announced that this year's Friends of the Library Youth Scholarship winner is KATHRYN COOK. She stated that Kathryn has volunteered at the Library for almost seven years, completing over 300 hours of service and was a founding member of the Downtown Library's Teen Advisory Group and, as part

of that program, has helped in many other areas. She outlined a list of other accomplishments and noted that Kathryn has also managed to maintain an outstanding academic record and has volunteered in many other community and municipal projects.

The Mayor said it is an honor to present Kathryn with this year's Friends of the Library Scholarship, thanked her for her extensive voluntary service to the community, and congratulated her on this significant achievement.

4. Recognition – State Spelling Bee Champs

MAYOR DUNN requested that VARUN RAJAN from Andersen Junior High School and GAVIN KING from Bogle Junior High join him at the podium. The Mayor stated that these two teens represented the City of Chandler and the State of Arizona the past two years at the 75th and 76th annual National Spelling Bee in Washington, D.C. Each won the state bee representing the Chandler Unified School District; Varun won in 2002 and Gavin in 2003. The Mayor said that while they did not win the National Bee, they represented their community extremely well and the entire community is proud of them. The Mayor jokingly quizzed the two students, congratulated them on their significant effort and achievements and presented them with gifts from the City.

5. Doug Bernard, Vice-President – Chandler Little League Update

MAYOR DUNN commented on the community pride that has been generated as a result of the team's efforts and added that an achievement such as this also brings extensive national recognition to the City of Chandler. He announced that three City employees have children or nephews playing on the team and said that they look forward to a strong play in the World Series.

The Mayor announced that an account has been established through Wells Fargo Bank and donations will be accepted by any branch. He said that the account is in the name of the Chandler Little League World Series, Account (#9436706379). He thanked Councilmember Anderson for his help and asked Doug to present his update.

DOUG BERNARD, Vice President of the Chandler Little League, joined the Mayor at the podium and Mayor Dunn presented him with an official flag of the City of Chandler. The Mayor asked Doug to make sure that the flag is delivered to the team along with the City's congratulations and wishes for good luck.

MR. BERNARD thanked the community for its support and said that what started out as being just a lot of fun has turned into his wife receiving over 250 telephone calls just today. He thanked Rich Dlugas for his support over the years and Councilmember Anderson for his fund raising efforts and assistance. He said that the team represented District 13 in Chandler and won 6 to 0, went to the State level representing District 13 at that level, won the State title to go on to the regionals. He added that for the first time in a very long time, Arizona was represented and won at the State level. He commented on the team's excellent performance and said that the most exciting moment for him was at the end of the tournament when the people at regional headquarters in San Bernadino, California, actually said that they had taken a poll and vote during the week as to who they would want represent the west region, and when they opened up the envelope, it was Arizona. He discussed their winning efforts to date and said that they are in "awe." He stated that it is a pleasure to be a part of this and to see the support that they are getting. He said if anyone can pull off the championship, this is the team that can do it, and thanked the City for allowing them to represent Chandler at this important event.

MAYOR DUNN thanked Mr. Bernard and announced that this is the first time in 14 years that Arizona has been in the World Series and added that when they come back, there will be a celebration in honor of their achievements.

Councilmember Anderson announced that the Governor's office has indicated its intention to perform some additional fundraising for them and plans to have the team make an appearance on the Capitol steps, when they return. He said he was able to sit in on the regional game and watch the team win and commented on this significant accomplishment. He announced that when they decided to open up the fundraising account, Councilmember Anderson pledged that they would raise \$10,000 and announced that the account, which opened late this afternoon, has already received pledges for almost \$15,000. He briefly commented on the benefits this honor has and will continue to bring to the entire community and thanked everyone for their support, including local community leaders. He said that he received a call from Phoenix Councilmember Doug Lingner who was sending out a contribution and Cruise America in Mesa, a national corporation, has put two RV's at the team's disposal at no charge. He commented on the extensive costs associated with participating in an event such as this and reiterated his appreciation to everyone who has lent their support.

Councilmember Anderson stated that bats signed by the members of the Diamondbacks are on their way to the team and thanked the major league team for their support. He said he would like to personally congratulate the team and the members' families, wished the team the best of luck and said that he looks forward to welcoming them "back home."

The Mayor reiterated his appreciation to everyone for their efforts.

Councilmember Wallace also thanked Councilmember Anderson for his efforts in this regard.

UNSCHEDULED PUBLIC APPEARANCES:

There were no unscheduled public appearances.

CONSENT:

MAYOR DUNN commended Staff for their work in bringing plans for Vagabond Park (Item #32) to fruition on Knox Road. Costs for the park are being recovered by impact fees.

The Mayor also pointed out that the expansion of the City's IT facility (Item #34) by renovating existing facilities is being done at far less than the cost of building a new facility.

MOVED BY VICE MAYOR HUGGINS, seconded by COUNCILMEMBER WALLACE, to approve the Consent Agenda as presented. Motion carried unanimously (7-0).

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Special Meetings of June 26, 2003, July 21, 2003, July 24, 2003 and City Council Regular Meetings of July 21, 2003 and July 24, 2003.

2. SALE OF PROPERTY / ADOT: West Chandler Water Reclamation Facility Ord. #3430

FINAL ADOPTION of Ordinance No. 3430 authorizing the sale of a triangular shaped parcel of land, containing approximately 42,114 square feet, located at the south property line of the City's potential water reclamation facility in West Chandler east of 56th Street and Frye Road, to the Arizona Department of Transportation (ADOT). ADOT also needs a temporary construction easement of approximately 62,349 square feet for a period of 7 months and has agreed to pay the City \$8,000.00 for the temporary easement. Staff recommends a total consideration of \$101,000.00. This property acquisition is necessary for the construction of the Santan Freeway. ADOT submitted an offer of \$93,000.00 which Staff determined to be fair market value for the property.

3. EASEMENT / SRP: Ray Road Widening Ord. #3462

FINAL ADOPTION of Ordinance No. 3462 (was introduced as Ordinance 3463 in error) granting a no cost irrigation easement to Salt River Project to accommodate the road widening improvements on Ray Road between Dobson Road and Bullmoose Drive as recommended by Staff. Part of the original construction contract includes installing a right turn lane for westbound traffic at the NEC of Ray Road and Bullmoose Drive. To accommodate these improvements, it is necessary to replace part of an existing open ditch irrigation facility with a piped facility. The replacement of this irrigation facility necessitates the granting of a new easement in City right-of-way 15 feet wide and approximately 274 feet long.

4. CITY CODE: Chapter 28 – Residential Fire Sprinkler Option Ord. #3465

FINAL ADOPTION of Ordinance No. 3465 amending Subsection 28-6.6 of Section 28-6 by adding subparagraph 1003.2.2 of Chapter 28 of the City Code relating to a residential automatic fire sprinkler option. In the last five years, Chandler has experienced 317 residential fires with a loss of \$6,627,292 and three fire-related deaths. The City requires sprinklers to be installed in all commercial facilities. Peoria and Mesa require fire sprinklers to be offered as an option to new homebuyers. Cities such as Scottsdale, Fountain Hills and Paradise Valley require fire sprinklers be installed in all new single-family homes.

This proposed ordinance requires that homebuyers be provided with an educational brochure explaining misconceptions and facts concerning residential automatic fire sprinkler systems and offered a purchase option for the fire sprinkler system to be installed during construction. There is no financial impact to the City for this service.

5. EXCHANGE OF RIGHT-OF-WAY: Intersection Germann/Price Rds. Ord. #3468

FINAL ADOPTION OF Ordinance No. 3468 authorizing a no cost exchange of right-of-way located at the intersection of Germann and Price Roads with the United States of America.

Americredit is developing the NEC of Germann and Price Roads. In order to complete the required improvements, they need to underground and relocate the irrigation ditch that runs parallel to Germann Road. The fee title exchange will remove all the existing USA property for the full project length, approximately 1,300 feet, out of the current right-of-way, and place it in the new location outside the right-of-way along private property. The crossing of Price Road will complete the exchange, which will consist of approximately 2,900 square feet in the intersection right-of-way.

6. REZONING / DEVELOPMENT PLAN: Crossroads Towne Center Ord. #3470

FINAL ADOPTION OF Ordinance No. 3470 (DVR02-0045, Crossroads Towne Center), rezoning from AG-1 to PAD for a regional commercial center including Large Single Use Retail along with a Preliminary Development Plan on approximately 82 acres located at the NWC of Gilbert and Germann Roads. (Applicant: Ralph Pew, Pew & Lake PLC; Developer: Vestar.)

This commercial center is part of a larger planned commercial development, Crossroads Towne Center in the Town of Gilbert, east of Gilbert Road. Both projects reflect similar architectural elements and massing defining a major retail center. The site would hold a maximum building area of 700,000 square feet and accommodate up to 3 large single use retailers. The site also includes several freestanding pads.

Building setbacks for the proposed project comply with the commercial design standards and the site complies with the separation distances of the large single use retail ordinance requirements. The site impacts Chandler Municipal Airport's Runway Protection Zone for a potential northeasterly runway extension which will deem it necessary to amend the Airport Layout Plan to allow the development to proceed and provide planning for an ultimate runway length that will provide additional safety for all aircraft types currently using the airport.

7. REZONING / DEVELOPMENT PLAN: Hospice of the Valley/Dobson Home Ord. #3471

FINAL ADOPTION OF Ordinance No. 3471, (DVR03-007, Hospice of the Valley "Dobson Home"), rezoning from AG-1 to PAD Hospice for an eleven-bed, in-patient hospice facility on approximately 1.2 acres along with a Preliminary Development Plan located at 1188 North Dobson Road. (Applicant: Ron Grenenbacher, Hospice of the Valley and John Eden, Eden Architects LLC; Owner: Jon & Suzanne Weeks.) The project is located on an un-subdivided parcel of land on the west side of Dobson Road bounded to the west and north by Sandstone Place and Seton Catholic High School to the south. The application proposes a 3,400 sq. foot addition to an existing 2,400 sq. foot house that will architecturally match the existing house.

8. REZONING/PRELIMINARY DEVELOPMENT PLAN: Chuparasas Ord. 3472

FINAL ADOPTION OF Ordinance No. 3472 DVR02-0026 CHUPAROSAS, rezoning from Agricultural District (AG-1) to Planned Area Development (PAD Mixed Use) for a mixed use development for the approximate 40-acre parcel located on the SWC of Dobson and Germann Roads. (Applicant: Whitneybell Architects.)

9. REZONING/DEVELOPMENT PLAN: Ray Ranch Professional Plaza Ord. #3474

FINAL ADOPTION OF Ordinance No. 3474 (DVR03-0006 Ray Ranch Professional Plaza), rezoning from AG-1 to PAD for general, medical, and dental offices for an approximate 11.32 net acre parcel located at the NEC of Ray Road and Bullmoose Drive. (Applicant: Steven Bauer, Development Strategies, Inc.; Developer: Shea Commercial.) The site is approximately 14-gross acres (11 net acres), office condominiums, 18 single-story office buildings for a total of 89,800 square feet of office space. The property is part of the Ray Road Land Use Policy and the proposed office development meets the established land use goals and development standards.

Development will occur in two phases with all off-site improvements occurring in Phase One. Staff and the Planning Commission recommend approval of the project subject to conditions listed in the ordinance.

10. REZONING/DEVELOPMENT PLAN: Cactus Towing Ord. #3475

FINAL ADOPTION OF Ordinance No. 3475, (DVR03-0013, Cactus Towing), rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for Conceptual Planned Industrial (I-1) uses on approximately 5.6 acres, for an impound yard and towing facility on approximately 2.8 acres at the SWC of E. Highland Street and N. Delaware Street. (Applicant: Todd DeMasseo, DTI/Cactus Towing.)

The General Plan designates this parcel as Employment for major employers, industrial/business parks, and industrial support uses. The proposed conceptual PAD zoning for I-1 uses is consistent with the General Plan. The rezoning request is proposed as a multi-staged development with the development of the Cactus Towing facility in the first stage on parcel 1. The second stage is proposed as PAD conceptual only for I-1 uses on parcel 2 which will require a separate PDP approval prior to development. The Planning Commission and Staff recommend approval subject to conditions listed in the ordinance.

11. EASEMENT/ARROWHEAD MEADOWS PARK/ SRP: Ord. #3469

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3469 granting a no cost underground power distribution easement to Salt River Project (SRP) for installation and maintenance of electrical facilities to operate the pool facility in Arrowhead Meadows Park located near the southeast corner of Erie Street and Arrowhead Drive.

12. FINAL PLAT AMENDED: Replat of Lot 102 & Tract C of Lantana Village

APPROVED the Final Plat (FPT03-0020) Replat of Lot 102 and Tract C of Lantana Village. This plat re-subdivides one lot and an open space tract to correct the easements. The subdivision is located east of the northeast corner of McQueen and Ocotillo Roads. (Applicant: Fulton Homes)

13. REZONING/PRELIMINARY DEVELOPMENT PLAN: Ord. #3482
International Surfacing Systems

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3482 (DVR03-0009) rezoning from AG-1 to PAD for Planned Industrial District I-1 uses including an asphalt materials contractor along with a Preliminary Development Plan for approximately 4.39 acres located south of Galveston Street and east of 56th Street. (Applicant: Jason Morris of Withey, Anderson & Morris PLC).

The site is zoned AG-1 and currently in use as an asphalt material contractor and is located within a developed light industrial area. The requested PAD zoning would allow for light industrial type uses such as this application. The application does not request any new development at this time.

In 1989, the site was rezoned from AG-1 to I-1/PAD overlay to allow fleet vehicle servicing. This zoning was part of a larger rezoning application that included six parcels. Each parcel was zoned for industrial type uses. A condition of the zoning of this rezoning included completion of Phase 1 site improvements along Galveston Street within two years of the effective date of the ordinance

or the zonings would revert to the previous classifications. The street improvements did not commence and all six parcels reverted to AG-1 zoning.

In 1998, ISS began leasing the subject property for the operation of an asphalt-rubber material contracting company. The property was previously occupied by a similar business (International Surfacing). Upon filing a permit with the City to install a pressure-washing facility, the City notified the property owner that the site was not zoned for industrial use and required rezoning. In 1999, a preliminary technical site plan review found the property did not meet the on-site requirements required for rezoning.

The property owner is currently in escrow with Ergon Asphalt to purchase a portion of their property to accommodate on-site retention requirements. A lot split will be filed subsequent to zoning. Purchase of this property allows ISS to continue current business operations, which include storage of heavy equipment and trucks and trucking services, to Ergon Asphalt. ISS intends to expand operations for manufacturing and storage of asphalt based emulsions including storage tanks. This parcel has several existing buildings including five permanent buildings and three modular buildings that are used for office, testing, general storage, maintenance and repair and training and meeting offices.

Notice was accomplished in accordance with the City requirements and staff is not aware of any opposition to the proposed development. Staff recommends approval. Planning and Zoning Commission and Staff, finding consistency with the General Plan, compatibility with the surrounding properties and with the employment designation for this area, recommend approval subject to the conditions listed in the ordinance.

14. COURT FEES/DOMESTIC VIOLENCE PREVENTION FUND

Ord. #3483

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3483 amending subsection 25-4.7 of Section 25-7 Chapter 25 of the City Code. The City Council recently established a domestic violence prevention fee to be used to fund a domestic violence prevention fund maintained and administered by the City. The fee would be paid by all domestic violence offenders and would have benefited local entities that assist in the prevention of domestic violence in the local community.

The State of Arizona recently enacted legislation that provides for such fees to fund a domestic violence shelter fund maintained and administered by the Department of Economic Security for statewide benefit. Under the legislation, the fee imposed through our Municipal Court would go to this state fund.

The proposed ordinance would allow the City Magistrate to waive imposition of the fee where the domestic violence offender has made a comparable donation to a domestic violence prevention entity acceptable to the Municipal Court. It preserves a general practice of the Municipal Court that had been followed prior to the establishment of any domestic violence prevention fee legislation and encourages direct assistance of local domestic violence shelters and other local entities involved in the prevention of domestic violence in Chandler. The ordinance also corrects some grammatical errors.

15. LAND DESIGNATION CHANGE: McQueen Road

Res. #3609

ADOPTED Resolution No. 3609 changing a portion of the McQueen Road Maintenance Yard, Tumbleweed Park, Los Arboles Park and the Solid Waste Facility to road right-of-way. The City entered into an agreement with Maricopa County to fund acquisition and roadway improvements for the widening of McQueen Road to six lanes from Pecos Road to Queen Creek Road. The City owns property along McQueen Road that requires portions of these properties and a change of use of these properties is necessary to provide the property rights necessary for the project. The improved road will have the full right-of-way width for a major arterial road.

16. POLICE/CRIMINAL JUSTICE ENHANCEMENT FUND AWARD

Res. #3660

ADOPTED Resolution No. 3660 authorizing and accepting an Arizona Department of Public Safety Criminal Justice Enhancement Fund award for the purchase and installation of an Auto Dialer system and related training.

The Auto Dialer is a communications system that will enable community wide notifications concerning crime prevention, criminal activity, and emergency alerts. The system will replace the existing system that was obtained in 1997 with a prior CJEF grant. The approved award is for \$32,215.00.

17. HELIPORT RELOCATION/FAA GRANT:

Res. #3671

ADOPTED Resolution No. 3671 authorizing a grant agreement with the Federal Aviation Administration (FAA) to accept grant number 03-04-0008-15 in the amount of \$1,150,000.00 for Phase 1 construction of the Heliport Relocation Project and the design and construction of an Airport Guidance Signs project.

The grant covers two line items: funding for Phase 1 construction of the Heliport Relocation Project (\$1,091,266) and for the design and construction of several airport guidance signs (\$58,734). The full Heliport relocation will be constructed in two phases to match this grant amount and an anticipated future grant. Accepting the grant will require a City match in the amount of \$53,569.00 for the Heliport Relocation portion. This match is included in the FY03/04 CIP for the Airport. The City match of \$2,883.00 for the guidance signs is also included in the FY03/04 CIP for the Airport. The Arizona Department of Transportation will also provide \$56,452.00 as a state matching share for these projects. The Airport Commission voted 6-0 to recommend acceptance of the grant.

In response to a question from COUNCILMEMBER WALLACE, Public Works Director BRYAN PATTERSON explained that this relocation has been in the planning stages for approximately five years. The total price for the relocation is approximately \$2.5 to \$2.6 million and Staff has planned to use Federal funds for the relocation which will cover 90% of the costs. The City was allocated \$1.1 million in the first year of Federal funds grant. The project was divided into components to allow us to physically relocate the helipads and move the operations to the southeast side of the airport. Adequate funding was received this year to complete the first phase and Staff will continue to request additional Federal funds. Construction will start later this year or early 2004 with completion approximately six months later. The package does not include providing a fueling source at the airport and he stated they are not looking into the City providing fuel. If, in the future, we do not have a private fueling source, we may consider exploring ways to fund that service.

18. 2004 CITY COUNCIL MEETING DATE SCHEDULE:

Res. #3673

ADOPTED Resolution No. 3673 setting the dates of the Regular meetings of the Chandler City Council for the 2004 calendar year.

19. REZONING/PRELIMINARY DEVELOPMENT PLAN: Gym Time

CONTINUED case DVR02-0038 Gym Time for rezoning from Planned Industrial District (I-1)/Planned Area Development (PAD) Overlay to PAD for a children's gymnastics center, along with Preliminary Development Plan for building architecture and site layout to the October 9, 2003 Council Meeting.

20. ZONING EXTENSION: Pecos Plaza

EXTENDED the timing condition for DVR03-0011 Pecos Plaza for an additional three years with all of the original conditions remaining in effect for the property located at the southeast corner of Alma School and Pecos Roads. (Applicant: Jesse Macias, RHL Design Group)

On May 9, 2001, the 18 acre property was rezoned from Planned Area Development to Planned Area Development (Amended) along with Preliminary Development Plan for the 15.5 acre northern portion. The plan included a commercial center with retail, restaurant, gas station, and office components anchored by a 107,000 square-foot building. The developer is requesting an extension to the timing condition so the property's existing zoning may stay in effect. The application does not seek to modify the site plan and the property is currently vacant.

The request was noticed in accordance with the requirements of the Chandler Zoning Code and Staff has received one phone call from the neighborhood in support of the zoning extension. The Arizona Department of Transportation noted the proposed zoning would have no impact on the highway facilities in the area.

Upon finding the request to be consistent with the General Plan, Planning Commission and Staff recommend approving the timing condition extension for an additional three years.

21. ZONING EXTENSION: Frye Road Industrial Park Office Building

EXTENDED the timing condition for DVR03-0016 Frye Road Industrial Park Office Building for an additional three years with all of the original conditions remaining in effect for the property located at the southwest corner of Frye Road and Benson Lane. (Applicant: Knoell & Quidort Architects, Jack Leonard)

On June 10, 2001, the 2.77 acre property was rezoned from Planned Industrial to Planned Area Development with Preliminary Development Plan for a two story office building. The original application was sought since office use is not permitted by right within an I-1 zoning district. A Use Permit or rezone is required to allow an office. The property is located within an area of light industrial and office park development. The developer is requesting an extension to the timing condition so the property's existing zoning may stay in effect. The application does not seek to modify the site plan.

The request was noticed in accordance with the requirements of the Chandler Zoning Code and Staff has not received any objections.

Upon finding the request to be consistent with the General Plan, Planning Commission and Staff recommend approving the timing condition extension for an additional three years.

22. ANNUAL DUES/MARICOPA ASSOCIATION OF GOVERNMENTS

AUTHORIZED payment in the amount of \$37,315.00 to Maricopa Association of Governments (MAG) for 2003-04 annual dues. Dues are based on a regional formula.

MAG serves as the regional agency for the metropolitan Phoenix area and provides a regional forum for analysis, discussion and resolution of issues including areas of transportation, air quality, environment, and social services.

23. ANNUAL DUES/ARIZONA LEAGUE OF CITIES AND TOWNS

AUTHORIZED payment in the amount of \$55,740.00 to the Arizona League of Cities and Towns for 2003-04 annual dues. Dues are based on a per capita formula.

The League provides legislative and lobbyist assistance to its member cities. The assistance is critical during the legislative session and allows for cities to work together on issues of regional and municipal interest.

24. AGREEMENT/POLICE LABORATORY INFO MGMT SYSTEM: JusticeTrax

APPROVED an agreement with JusticeTrax, Inc. for a Laboratory Information Management (Proposal PY3-7030-2020) in an amount not to exceed \$77,327.00 and authorized the Mayor to sign the agreement documents. The Police Crime lab currently tracks evidence manually. The system will replace the old system in use at the Richard T. Felix Property and Evidence Facility with one that integrates the Lab with the Property Facility. The system will also provide continuity with the Department of Public Safety, which uses the same LIMS software. Based on the complete evaluation, the evaluation committee recommended that JusticeTrax, Inc. was the most compatible with the City's existing infrastructure. The cost includes software, hardware, delivery, installation, training and software maintenance. The upgrades and maintenance are included for a three-year period.

25. AGREEMENT/ORACLE 11i ENHANCEMENT CONSULTANT

APPROVED agreements with Dataweb, Applications Software Technology, Kayenell and Distributed System Solution, Inc. for Oracle 11i Enhancement Consultant Services (Proposal No. IT3-0895-1984 in a combined total amount not to exceed \$740,000.00. Funding was approved for the Oracle enhancements in 2002/03. It was understood at that time that implementation of the scope of this project would occur over 2 years and additional funding for FY2003/04 was approved by Council. Some of the enhancements will occur in: Employee Self Service Benefit Enrollment within an Intranet Browser environment, HR Benefit automation of updates to insurance carriers, advanced General Ledger reconciliation, etc.

26. CONTRACT/HYDROGEOLOGIC SERVICES Southwest Groundwater Consultants

APPROVED an annual professional services contract, EN0312-101, to Southwest Groundwater Consultants, Inc. for hydrogeologic services for the drilling, testing, and remediation of water production wells in an amount not to exceed \$1,000,000.00 and authorized the Mayor to sign the documents.

This contract will provide for the hydrogeologic services for the testing and well remediation. Under this contract, individual project agreements will be prepared for execution and approval for each specific project. Project agreements over \$30,000.00 will be submitted for Council approval up to the annual aggregate of \$1,000,000.00.

27. CONTRACT/HYDROGEOLOGIC SERVICES: Clear Creek Associates

APPROVED an annual professional services contract, EN0311-101, to Clear Creek Associates for hydrogeologic services for the drilling, testing, and remediation of water production wells in an amount not to exceed \$1,000,000.00 and authorized the Mayor to sign the documents.

This contract will provide for the hydrogeologic services for the testing and well remediation. Under this contract, individual project agreements will be prepared for execution and approval for each specific project. Project agreements over \$30,000.00 will be submitted for Council approval up to the annual aggregate of \$1,000,000.00.

28. NEIGHBORHOOD MATCHING GRANT: McNair Neighborhood Group

APPROVED a grant request in the amount up to \$4,495.00 for wood to block fence conversions. The McNair Neighborhood Group requested the grant to fund rear alley wood to block fence for residents in the 1600 and 1700 blocks of W. McNair – a total of four homes. The residents participating will match the grant amount dollar-for-dollar. Both Staff and the Neighborhood Advisory Grant Review Committee recommend approval of the request.

29. SUBORDINATION OF REHABILITATION LOANS: 831 & 855 W. Ray Road

AUTHORIZED the subordination of rehabilitation loans for properties located at 831 and 855 W. Ray Road. Community Services of Arizona (CSA) acquired the two properties containing a total of five units. The properties were purchased with funds received from the Maricopa HOME Consortium. As the jurisdiction in which the properties are located, the City is considered administrator of the Consortium funds and is listed as the beneficiary on the Deeds of Trust. The Consortium loaned a total of \$338,085.00 and this is the amount of the deferred loan. CSA has applied for a loan to assist in renovating the units that are in substandard condition. In order for CSA to receive the private financing, it will be necessary for the City of Chandler to subordinate its position in the title. The City's lien is currently in first position and will be placed in second position.

30. ENGINEERING CONTRACT AMD/– PECOS RD IMPROVEMENTS: Entellus Engineers

APPROVED Amendment No. 1 to the engineering design contract with Entellus Engineers for Pecos Road Improvements, Dobson to McQueen, Project No. ST0244-201 in an amount not to exceed \$87,249.00.

After receiving comments from the public requesting the full six lane cross-section, City staff prepared an economic analysis which evaluated the four lane versus six lane cross sections. This analysis was presented to the Transportation Commission and they also concurred with the decision to construct the full six lanes. Other changes include designing approximately 7,500 lineal feet of 12 inch waterline; providing 46 additional verifications of underground utilities; and providing 5 additional temporary retention basins.

Construction of the 5th and 6th lanes will require a revision to the current capital budget. Staff is looking into available options to fund this work, including savings from favorable bids and phasing of construction.

31. CONSTRUCTION CONTRACT / TUMBLEWEED RECHARGE: Hunter Contracting

APPROVED a construction contract to Hunter Contracting for the Tumbleweed Recharge Facility Aquifer Storage and Recovery Wells No. 4 & 5, Project No. #WW0039-402, in the amount of \$1,510,030.00. This project consists of constructing two aquifer storage and recovery wells and the necessary equipment and piping for the expansion of the facility at the corner of McQueen and Germann Roads. The reclaimed water is recharged into the upper aquifer and stored for later recovery and use for irrigation on turf areas and golf courses in southeast Chandler. The facility currently recharges approximately 5 million gallons per day and staff is in the process of re-permitting the facility to 10 million gallons per day.

32. CONSTRUCTION CONTRACT / VAGABOND PARK: Landscape Unlimited of Nebraska

APPROVED a construction contract to Landscape Unlimited of Nebraska, LLC for Vagabond Park, Project No. #PR0133-401, in an amount not to exceed \$2,635,614.87.

Vagabond Park is a 33 acre undeveloped community park site located one half mile east of Arizona Avenue on Knox Road. Three public meetings were held to gather input from Chandler citizens regarding the design of the park. Improvements included in this contract are: site grading, entrance driveway and parking lot, walkways, restroom, lighted picnic ramadas, playground, water spray playground, two lighted youth athletic fields, one lighted adult athletic field, open turf space, irrigation, landscaping and security lighting.

33. NO ITEM

34. CONSTRUCTION CONTRACT/ IT BLDG RENOVATIONS: Turner Construction Co.

APPROVED a construction contract for the Construction Manager at Risk Project to Turner Construction for the Information Technology Building Renovation and Expansion, Project No. GG0202-401, located at 275 E. Buffalo Street in an amount not to exceed \$2,258,358.00.

This project is to renovate 6,600 square feet of the existing Information Technology building and to construct a 9,700 square foot addition. Renovating and expanding the existing building in lieu of constructing a new facility is more economical than creating a new computer room, moving the City's fiber optic cable network and purchasing more land. This additional building area will provide space for staff growth, computer room expansion and an Information Technology classroom. Cost savings will be realized by providing space for the Geographic Information Systems office and a classroom for which the City is currently leasing space.

35. CONSTRUCTION CONTRACT / DOBSON RD IMP: Nesbitt Contracting

APPROVED a construction contract to Nesbitt Contracting Company, Inc. for Dobson Road Street and Landscape Improvements, in an amount not to exceed \$596,192.00.

The Dobson/Elliot Roads intersection improvements are now under construction with paving, flush median, and decorative crosswalk. Construction of the intersection is currently scheduled for completion by mid-October 2003. These improvements are not eligible for federal funding and

had to be contracted separately from the federally funded intersection reconstruction. The work will occur concurrently with the intersection improvements. Both contractors are required to coordinate all construction work with the other.

36. ENGINEERING SERVICES CONTRACT / TUMBLEWEED RECHARGE: Wilson & Co.

APPROVED an engineering services contract to Wilson & Co., Inc. to provide construction management services for the Tumbleweed Recharge Facility ASR Wells No. 4 and 5, Project No. WW0039-452, at Tumbleweed Park in the amount of \$179,848.00.

The Tumbleweed Recharge Facility at the corner of McQueen and Germann Roads recharges reclaimed water from the Airport Water Reclamation Facility. The reclaimed water is recharged into the upper aquifer and stored for later recovery and use on turf areas and golf courses in southeast Chandler. This project consists of constructing two aquifer storage and recovery wells and the necessary equipment and piping for the expansion of the facility. Currently the facility consists of ASR Wells No. 1, 2 and 3 and several small recharge wells and recharges approximately 5 million gallons per day of reclaimed water.

The engineering services for construction management to be provided are related to the construction and start-up of the Tumbleweed ASR Wells No. 4 & 5. Services include the pre-construction conference, review of shop drawing submittals, monitoring the performance and schedule of the contractor, as-built drawings, updating of the operations and maintenance manuals, full time inspection of the construction and coordination of the construction with the operating recharge facility and the operation of the park.

37. CONTRACT RENEWAL / ELECTRONIC DATABASE: Ebsco, Gale, GEM, Roth, SIRS

APPROVED the renewal of a contract for electronic databases at the library, utilizing the Maricopa County contract, with Ebsco Publishing, Gale Group, Inc., GEM, Roth and SIRS in the total contract amount of \$52,150.00.

The library subscribes to a wide variety of electronic databases on an individual basis from a number of different vendors. In an attempt to help libraries in Maricopa County recognize a greater return on their investments, libraries in the county (including Chandler) joined forces to obtain group pricing on a variety of electronic products last year. In addition to actual savings on specific products, the group pricing is attractive enough that libraries may also be able to purchase new products that were out of their price range before. This contract also allows libraries to adjust subscriptions according to their needs.

This contract replaces several individual contracts that had been bid by the library and results in a total annual savings of \$49,993.00 from the previous individual subscription costs. The use of this contract eliminates the cost of going out to bid, reduces the lead-time in obtaining the products and results in a lower overall cost. The cost also includes remote access for library customers.

38. CONTRACT / LANDSCAPE: Artistic Land Management

APPROVED a contract for landscape material and installation services for landscaped medians and City owned rights-of-way, to Artistic Land Management, Inc. in an amount not to exceed \$50,000.00.

Existing medians and City owned rights-of-way are sometimes in need of plant replacements. Because of the small quantities involved, the plants are removed and not replaced in a timely manner. The Landscape Upgrade program was set up for the larger type projects such as complete restoration of medians and/or right-of-way areas. The timely replacement of these plants is an integral part of keeping the City owned landscape areas properly maintained. This contract will give the City the means to replace these plants in a timely manner regardless of the quantities.

39. PURCHASE: Refuse and Recycling Containers

APPROVED the purchase of refuse and recycling containers from Rehrig Pacific Company, utilizing the City of Mesa contract, in an amount not to exceed \$850,000.00. The City has an ongoing need for approximately 725 refuse and recycling plastic rollout containers monthly. These containers are used for 600 new homes (300 refuse and 300 recycling) and to replace 125 worn out refuse containers per month.

By using Mesa's contract, the City will save the associated bid costs. The contract price for the containers under Mesa's contract is \$37.00 per 90-gallon container including assembly. Chandler is currently using Peoria's contract at a price of \$38.00 per container. The contract with Mesa provides a savings of \$1.00 per container.

40. PURCHASE: Wheel Loader

APPROVED the purchase of a wheel loader from Empire Machinery, utilizing the City of Glendale contract, in the amount of \$272,641.63.

The City's landfill is expected to close no later than October of 2005. To provide refuse service to Chandler residents, a transfer station will be constructed at 3200 S. McQueen Road where refuse trucks will unload their solid waste. The refuse will be consolidated into long haul trailers for transport to the Butterfield Landfill. To load the refuse into the trailers, a wheel loader is required. The loader will be utilized during the construction phase of the transfer station to load debris from the temporary pad constructed to replace the residential unloading area.

41. PURCHASE / SOLE SOURCE: Signal Detection Cameras

APPROVED the sole source purchase of 28 autoscope signal detection cameras and related hardware from Econolite Control Products, Inc. in the amount of \$146,566.00.

Public Works recently constructed a new Traffic Management Center (TMC) to house its own signal control operating system. This system has the capability to use video detection that will also allow staff to monitor traffic operations from the TMC. In order to fully utilize the capabilities of the TMC and this new video technology, these cameras will be used to replace loop detectors that fail this fiscal year. These cameras will be installed by a contractor or City staff at seven intersections where loop failures occur. City staff will also maintain the cameras. The use of video detection versus loop detectors will result in a city-wide savings of \$32,000.00 per year in loop replacement at the seven intersections where the cameras are installed.

Currently there is only one brand of camera (Autoscope) that allows the City to modify the detectors directly from the TMC. The only other brand (Iteris) does not have this ability and has a higher cost. The City currently uses Autoscope cameras successfully and is satisfied with their performance.

42. PURCHASE: Asphalt Rubber Crack Sealant

APPROVED the purchase of asphalt rubber crack sealant material from Crafcro, Inc. utilizing the Arizona Department of Transportation contract, in an amount not to exceed \$55,680.00.

The Streets Division needs to purchase 300,000 pounds of asphalt rubber crack sealant material for the City's upcoming crack sealing projects. Poly Flex III is an approved material for crack sealing work on City streets and has been used by the City for the past 16 years with favorable results. By utilizing the Department of Transportation contract, the City will benefit by receiving a bulk-purchase discount.

43. LIQUOR LICENSE: Bongos Bar and Grill, Inc.

APPROVED the issuance of a City of Chandler Series 12 Restaurant Liquor License (#12075549) and that a recommendation for approval of State Liquor License No 300000586 for Patrick G. Flynn, Agent, Bongos Bar and Grill, Inc., dba Bongos Bar and Grill at 4080 W. Ray Road be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports on objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. The applicant's Use Permit (UP03-0024) was approved by Council on July 24, 2003.

44. LIQUOR LICENSE WITHDRAWAL: Wine Time

APPROVED, as recommended by Staff, withdrawal of the application for the Series 7, Beer and Wine Bar State Liquor License, for Winifred Devlin Lamer, Agent, Wine Time LLC, dba Wine Time, at 71 W. Boston Street.

45. LIQUOR LICENSE: Cobblestone Auto Spa and Market

APPROVED the issuance of a City of Chandler Series 10 Beer and Wine Store Liquor License (#300000585) and that a recommendation for approval of State Liquor License No. 10074592 for Randy D. Nations, Agent, Cobblestone Auto Spa and Market III LLC, dba Cobblestone Auto Spa and Market, at 2021 S. Alma School Road be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. The applicant's Use Permit (UP02-0005) was approved by Council on March 24, 2002.

46. LIQUOR LICENSE: Del Sol Mercado Y Carniceria

CONTINUED a request for a Series 10, Beer and Wine Store Liquor License, for Jose Sanchez, Agent, Del Sol Mercado Y Carniceria Inc., dba Del Sol Mercado Y Carniceria at 101 W. Frye Road, to the September 11, 2003 City Council meeting to allow the applicant time to complete the zoning requirements for a new Use Permit.

47. FINAL PLAT: Pinelake Village

APPROVED, as recommended by Staff, a Final Plat (FPT03-0006) Pinelake Village located on the north side of Chandler Heights Road, one-half mile east of Arizona Avenue. (Applicant:

Magee Homes). This is a 12-acre site divided into 64 single-family home lots with private streets and common recreation areas including a connection to the Paseo Park. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

48. REZONING / DEVELOPMENT PLAN: San Tan Plaza Phase II Wal-Mart Supercenter

CONTINUED a request to rezone (DVR02-0044) approximately 24 acres from PAD Residential to PAD Large Single Use Retail along with a Preliminary Development Plan and amend the existing Preliminary Development Plan for San Tan Plaza Phase I at the NWC of Arizona Avenue and Willis Road to the August 28, 2003 Council meeting.

49. FINAL PLAT: La Paloma

APPROVED, as recommended by Staff, a Final Plat (FPT03-0009) La Paloma located north of Germann Road and east of McQueen Road. (Applicant: JP LP, L.L.C.) This is a 20-acre parcel divided into 107 lots in south Chandler north of the Municipal Airport. The development is for a small, single-family home subdivision with private streets and a community recreational open space. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

50. FINAL PLAT: Mammoth Park

APPROVED, as recommended by Staff, a Final Plat (FPT03-0012) Mammoth Park located on the north side of Chandler Boulevard east of Cooper Road. (Applicant: Maracay Cooper Ranch, L.L.C.) This is a 36-acre parcel divided into 71 single-family homes including the property for a new neighborhood park (Tibshraeny) and a portion of the canal Paseo Park. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

MOVED BY VICE MAYOR HUGGINS, seconded by COUNCILMEMBER WALLACE, to approve the Consent Agenda as presented. Motion carried unanimously (7-0).

ACTION AGENDA

51. USE PERMIT: Creative Caring

Planner I ASHLEY BAILEY addressed the Council relative to this agenda item and stated that this is a request for a Use Permit (UP03-0009 Creative Caring) for a residential childcare facility within a single-family residence located at 2608 West McNair Street. (Applicant: Teresa Lynn Bagdol.) She stated that Creative Caring has been operating since May of 2003 and at the time of application, the given information led Staff to believe that Creative Caring was operating the business at the applicant's primary residence of 2608 West McNair Street. She explained that the Zoning Code allows for a business in a single-family zoned area, such as a childcare facility, as long as it is an accessory use at that person's primary residence. She said that after several site visits and calls, it became apparent that the subject structure was utilized only as a daycare center, with the applicant residing in the house next door (2616 West McNair Street). She stated that based on this information, the applicant received a cease and desist order (issued June 12, 2003) and the Use Permit was discontinued. She noted that the applicant has since provided an affidavit to the Planning Division stating that 2608 West McNair is her primary residence and continues to operate the daycare center.

She noted that the applicant stated at the Planning and Zoning Commission that she utilizes both homes as one living space.

Ms. Bailey stated that the original application was for ten children and said that at the Planning and Zoning Commission meeting, the applicant requested that she be considered for "up to ten children" but had not planned on expanding.

She advised that the Arizona Department of Health Services has stated that the application will not be approved based on their findings that mirror the City of Chandler's research; that this does not appear to be the principal dwelling unit. She explained that the Residential Childcare Ordinance, under which this application is being considered, does not address this aspect of the application. She stated that because the information is not in compliance with the Code evolving facts and because the application, as it stands, differs from what they applied for, Staff finds the proposed use to be more commercial in nature. She added that the Planning Commission unanimously voted for denial because they did not find that 2608 West McNair Street was the primary residence and Staff recommends denial of the application as well.

Teresa Bagdol, 2608 West McNair Street, and Frank Bagdol, also at that address, addressed the Council as the applicants in this case. Ms. Bagdol said that the situation has been evolving and when she first applied for the application, she went to State licensing, and has been a licensed provider for many years. She said that she was told that in this City, she needed to obtain a Use Permit and she spoke with a Staff member, who has since retired, who told her that the Use Permit was needed. She added that she then spoke with someone in the office and, although she has been told that no evidence can be found at the City that this happened, she paid for and applied for a variance. She offered to provide copies of her records regarding this and said that the City advised her that she needed a Use Permit at that point in time.

She stated that she and her husband were looking to purchase other property as one larger property and never thought to change their drivers' license information along the way after they purchased the second home. She emphasized that they were using both properties as one home and that she has been trying very hard to find a solution to the primary residence issue going so far as refinancing the home and paying a higher interest rate on the other home. She added that they have moved their master bedroom and washer and dryer to 2608 West McNair Street, and their dining room table has always been there, and asked what she needs to do to correct this situation. She stressed that it was never her intention to do something that was wrong and she only wants to know how the situation can be fixed. She said that she operates a daycare facility because she loves the work and she takes care of four wonderful children at the present time.

Mr. Bagdol asked whether the members of the Council had to make a decision tonight and asked if perhaps they could be given more time to correct the situation and work towards an acceptable solution. He requested that at the very least they be given enough time to allow the parents an opportunity to relocate their children.

In response to a question from COUNCILMEMBER BRUNO, Ms. Bailey stated that Staff was satisfied that this does not appear to be the applicant's primary residence.

Ms. Bagdol responded to comments from COUNCILMEMBER BRUNO relative to information provided by Staff that she and her husband do not live at 2608 West McNair Street, and asked what "living there" meant and what it entailed. She said that she sleeps there, eats all of her meals there, cooks all of her meals there, and washes all of her clothes. She asked what additional information she could provide to document that this in fact is their primary residence.

COUNCILMEMBER WALLACE asked Ms. Bailey if the Council voted to continue this item, whether there was some way that the problem could eventually be rectified. Ms. Bailey stated that the way it stands now with the application being for residential childcare, it does not fall within the scope of the ordinance because there are two homes in question and that is why Staff felt it necessary to bring it through a public process to determine whether two lots could be considered as one and both be the primary residence.

MR. BALLARD said that if the Council would like, Staff could perform additional site inspections. He said he is aware of the fact that testimony was given by the applicants that they were living at both locations and maybe that has changed. He added that he is personally not aware of what the other house is being used for and said Staff would be happy to conduct the additional inspections if so requested.

In response to a question from COUNCILMEMBER ANDERSON relative to what the other house is being used for, MR. BAGDOL advised that his 82-year-old mother spends approximately six months out of the year with them. He added that they also have two children, one 18 and one 15, and they both have rooms at the other residence as well.

MAYOR DUNN asked if they were living in one house and their children were living in another and Mr. Bagdol confirmed that this is how the situation exists right now. Ms. Bagdol said that it was their understanding that this is how they had to do things in order for this to work and therefore they moved in.

COUNCILMEMBER BRUNO commented on the confusion that surrounds this agenda item and said that she would like to continue it to the August 28th Council meeting and asked Staff to provide additional information and perform additional research into the matter. MR. BALLARD added that it might be helpful for Staff to also verify the number of children at the facility.

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY COUNCILMEMBER ANDERSON, that Use Permit UP03-0009 Creative Caring, be CONTINUED to the August 28, 2003 Regular Council Meeting.

COUNCILMEMBER WALLACE asked the applicants where they were living when they first opened the childcare facility. Ms. Bagdol said that they were originally only sleeping in the other house because she is in the home basically from 6 a.m. to 10 o'clock at night.

COUNCILMEMBER WESTBROOKS also requested that Staff clarify State and City requirements for operating a childcare facility in the City at the August 28th meeting. MR. BALLARD said that Staff might also ask the State if they would like to join in the inspection process.

Ms. Bagdol stated that she has never been contacted by the State but would welcome their presence.

Hal Stump, Tempe, the grandfather of one of the children who receives childcare at the home, addressed the Council. He advised that they decided to take their grandchild there because of the fact that Ms. Bagdol had indicated that the home would care for a maximum of four children. He added that he does not know of many centers that will limit their number to four and his grandson is very special to him and he wants him in the care of Teresa who does an excellent job. He asked the Council to consider allowing them to continue to operate.

Mayor Dunn thanked Mr. Stump for his comments and asked Staff to verify the information.

MOTION CARRIED UNANIMOUSLY (7 TO 0).

52. PRELIMINARY DEVELOPMENT PLAN: Ocotillo Towne Center

Principal Planner BOB WEWORSKI reviewed this item. This is a request for a Preliminary Development Plan (PDP03-0001) Ocotillo Towne Center II, approval for a commercial retail center on a 22-acre site at the NEC of Alma School and Queen Creek Road. (Applicant: Mike Withey, Withey, Anderson & Morris; Developer: Vestar Development Company.) The request is to develop the site to include in-line retail shops, retail pads, restaurants, potential grocery store, and a pharmacy building. It is located in the Carino Estates master plan development. There is currently a vacant office parcel to the north of the site, an existing apartment complex on the east, a commercial retail center anchored by an Albertson's on the SEC, the Falls at Ocotillo on the SWC, Ocotillo community and golf course on the SWC and the Ocotillo Plaza retail center on the NWC anchored by Target and Basha's.

Mr. Weworski continued that when Carino Estates was rezoned, this site was zoned conceptual PAD for commercial/retail C-2 type uses. There was a previous application on this site for a large single-use retail user which was denied. This application is different in that the applicant is proposing a more conventional retail center featuring a number of different retail users. Staff has evaluated the application and determined that it exceeds our commercial design standards with few exceptions. The applicant has provided features to make this project dynamic including site orientation, lush landscaping, water feature, central boulevard entry, enhanced paving treatment throughout the center, angled buildings and parking lot planters. A landscape buffer will be included along the north and east for the adjacent single-family homes.

Site control provisions stipulate that the largest tenant size for any of the buildings cannot exceed 50,000 square feet. Hours of delivery for buildings adjacent to the single-family development are prohibited between the hours of 11:00 p.m. and 6:00 a.m.

He stated concerns regarding the drive-thru pharmacy have been expressed by the neighbors, Staff and Planning Commission. Staff has recommended elimination of the drive-thru due to concerns with maneuvering within the service drive area, the proximity to the single-family residential development and potential conflicts with pedestrian movement throughout the center.

MR. WEWORSKI stated that a number of neighborhood meetings have been held and the neighbors, while appreciative of the quality of the development and Vestar's proposal, are still concerned with the potential grocery store, the pharmacy drive-thru and the name of the development. They believe Ocotillo is a trademark that should be protected.

In describing the architecture of the proposed development, MR. WEWORSKI said it is Southwest Contemporary style featuring different materials on building facades, different roof lines, opportunities for pedestrian outdoor spaces, ins and outs of the building facades and variation in colors and styles. One of the stipulations added by the Planning Commission was to have the sign package throughout the entire site come back as a separate PDP application.

The Planning Commission unanimously recommended approval of the application with conditions as did Staff.

VICE MAYOR HUGGINS asked how much longer it would take for the applicant to complete the project by having to come back for sign approval. MR. WEWORSKI responded that Staff has received a separate application for the sign package which is currently being evaluated. It will be going to Planning Commission within the next one to two months and then to Council.

VICE MAYOR HUGGINS asked Staff to explain the concerns of the neighbors regarding the Ocotillo trademark. MR. WEWORSKI replied that it is Staff's understanding through the Ocotillo Management Group, that they have a trademark on the name. It is Staff's evaluation that this is a civil matter and does not have bearing on the application.

In response to a question from COUNCILMEMBER WESTBROOKS, MR. WEWORSKI stated that there are currently 2 other locations at the intersection that include grocery stores. There are 4 grocery stores within a 2-mile radius of this proposed project. There are no other intersections in Chandler that currently have 3 grocery stores. He reported that Tempe had 3 at Southern and McClintock, but some of them are no longer in business. The intersection of Alma School and Warner at one time had 3 grocery stores, but there is only one there now. COUNCILMEMBER WESTBROOKS expressed his concern with being able to support 3 grocery stores at one intersection. He stated the project itself was excellent, but including another grocery store is questionable.

VICE MAYOR HUGGINS compared this scenario to that of having multiple auto shops or car dealerships in one area. MR. WEWORSKI explained that grocery stores view it as an unwanted competition unless they are unique and can offer other products or services than surrounding stores.

MAYOR DUNN complimented Staff and the Planning and Zoning Commission for focusing on the design of the center and making sure it was compatible with the high quality design standards established by the City.

MIKE WITHEY representing Vestar, stated that there has been a lot of hard work done by the applicant and staff to get this project before the Council with Staff and Planning and Zoning Commission recommendation for approval. This site has been under intense scrutiny because of the failure of other proposed developments to be approved. This proposed application is a superior product because of that scrutiny.

In reviewing the history of this site, MR. WITHEY stated that when the general plan for this area was developed, the majority of areas within Ocotillo were not going to be the standard block intersections. There was a desire to have Dobson and Price corridors do something other than traditional retail opportunities such as large employers and malls. It was also decided that the intersection of Alma School and Queen Creek would be the commercial node for this entire area. It was designated to have all 4 corners commercial. The application is in full conformance with the General Plan and PAD zoning on the property. The design issue is what is before Council tonight.

MR. WITHEY continued that at the time the master plan community was created, it was recognized that there would be single-family adjacent to this future commercial parcel. In order to buffer the homes, the retention area and landscape buffer was included in the original plat. When the PAD was approved, there was a concept plan depicting an irregular commercial site adjacent to the single-family homes. This proposal is a smaller scale than what could possibly go on the site.

During the hearings regarding the proposed Wal Mart Supercenter to be built on this site in 1999, it was mentioned numerous times that the neighbors were aware that it was zoned commercial and that it would be a shopping center. They felt a "big box" was not appropriate for the site. They wanted a neighborhood shopping center which is what is being proposed with this application. Vestar feels they have complied with what the neighborhood and staff have requested. As a result of the various meetings with neighbors, Staff and the Planning Commission, many costly changes were made to the plan.

MR. WITHEY next addressed the issue of the drive-thru for the pharmacy (mini-major A) which is referenced in stipulation #9. The proposal is for the drive-thru to be pharmacy only and use has been limited to the hours of 7:00 a.m. to 9:00 p.m. There is a large separation between the drive-thru and the nearest single-family home created by the existing landscape buffer. The proposal also calls for an 8-foot wall with additional landscaping creating a distance of 244 feet from the nearest home. The design of the driveway is such that it is fully enclosed except for entering and exiting. He stated this amount of buffering is out of the ordinary for developments of this type.

COUNCILMEMBER WESTBROOKS asked if there are any other commercial nodes in the area. MR. BALLARD responded that Mr. Withey was possibly referring to the original area plan designating this site as a major commercial node. There is one other commercial planned area in the Ocotillo area around Market Street southwest of Dobson and Queen Creek. He added that it will not be of the scale as this proposal.

In response to a question from COUNCILMEMBER WESTBROOKS, MR. WEWORSKI responded that there have been inquiries for commercial development at Arizona Avenue and Queen Creek. MR. BALLARD commented that when the general plan and the Southeast Chandler Plan were completed, some commercial nodes were designated along Arizona Avenue due to the limitation of commercial development in southeast Chandler. Mr. Weworski clarified that approximately every mile on Arizona Avenue is a commercial node.

COUNCILMEMBER WESTBROOKS referred to the mini-major and asked what type of drive-thru use would be used. Mr. Weworski stated the building on the intersection corner at Alma School and Queen Creek is proposed as a free-standing pharmacy. The mini-major A building has been described as a potential grocery store including a pharmacy with a drive-thru and confirmed there would be two pharmacies in the development.

MAYOR DUNN said that his understanding is that one of the mini-majors must be smaller than 50,000 square feet and could be either mini-major A or B. MR. WEWORSKI said that the applicant wanted to have some flexibility on the size of either mini-major building. For comparison purposes, he stated the Basha's across the street is approximately 70,000 square feet. The Mayor said that there is a clear stipulation that the 2 mini-majors cannot be joined under any circumstances without coming back through the process including a public hearing.

The meeting recessed at 8:40 p.m. and reconvened at 8:50 p.m.

CHRIS STAGE, 1981 W. Hemlock Way, stated that she is a member of a large group of citizens from Ocotillo, Carino Estates, Fox Crossing and Clemente Ranch and wants to clarify the group's intent, describe their frustration with the proposal and ask assistance from the Mayor and Council. As a group, they are committed to quality development and have a serious commitment to Chandler. They are frustrated with Vestar's claims that they have worked with the citizens in good faith to respond to their concerns. When they tried to address the issue of placement of the mini-majors, they were told by Vestar that those could not be addressed. The same issues have

been raised at various public meetings and repeatedly told they could not be addressed. At the last meeting, they were assured that over 50 changes had been made to the original and if they reviewed them, they would see they were working to address their issues. Mike Withey promised to send a copy of the list to Ed Riccio and Jan Fiakas, but neither has received the list 4 months later. The neighbors are asking that the project be compatible with the existing neighborhood.

JAN FIAKAS, 2631 S. Emerson Street, listed the main concerns the neighbors have with the Vestar development:

1. The 2 largest buildings, major-mini A & B, should not abut to the single-family homes of Carino Estates. These buildings should be placed up against the apartments on the southeast side of the site or the northwest side of the site next to the proposed office buildings or be reduced in size by half and let them stay where they are. Vestar claims that the water retention basin at Carino Estates was built to minimize the noise created from servicing these 2 retailers when Carino Estates, the insurance company and the City considers it to be only a water retention basin.
2. The major-mini buildings A & B should be split so that now or in the future, no one retailer could tear down the wall creating another 75,000 square foot building that could be left vacant for years like many other large box retail sites throughout Chandler.
3. No drive-thru window for major-mini A. The center has proposed a fast food and core pharmacy drive-thru and especially no drive-thru near the single family homes in Carino Estates.
4. No traditional grocery store allowed in the center. With Basha's, Albertson's and Fry's and Safeway down the road, another traditional grocery store could put either Basha's or Albertson's out of business causing their center to become urban blight and home values to decline.

MIKE CLEMENTS, 3541 S. Camellia Place, stated that he supports the proposed project. As a result of the dialogue that took place during discussions when the Wal Mart Supercenter was defeated, the residents and the City intended the site to be retail but with higher design standards and smaller buildings. He said he felt Vestar had gone above and beyond the call in any expectations related to the project. The zoning is in place, they have worked with the community, have a quality design and the project is what is expected.

LYNN HAYS, 2710 S. McClelland Place said the drive-thru was 200+ feet from her street. She stated she opposed the drive-thru as she believes the area is too small and there will be too much noise and said it was her opinion that there doesn't need to be a drive-thru at the grocery store if there is a freestanding pharmacy. She reported that the manager at the Walgreens on Germann and Alma School said they average 400 cars per day using the drive-thru with the majority being between the hours of 4 p.m. and 8 p.m. Vestar has told the neighbors that only 2-3 cars per hour would be using the grocery drive-thru. She expressed concerns with the two majors backing up to the single-family homes.

GEORGE ROZSA, 3370 S. Horizon Place, said that he is a member of the Ocotillo Homeowners Association. He thanked the Planning & Zoning Commission and Staff for their work in reviewing this project. He stated the Association believes that this is a better project than was initially proposed but added that there are still some items that should be considered before Council votes. He expressed concerns with allowing a mini-major A drive-thru on the north side of the building; the size of the major; major tenant spaces should be smaller than 50,000 square feet; and concerns with empty buildings after businesses close. He stated the corner needed to be developed and stated competition was a good thing for businesses, but was it worth putting

someone else out of business that has been supporting the community. He added the name "Ocotillo" and should not be used on this project.

BRUCE BARTHOLOMEW, 1420 W. Raven Drive, stated that he was originally involved in the effort to stop Wal Mart and at that time, the neighbors said they did not want a Wal Mart-type business at that location but understood that retail would be built. He said now Vestar has proposed a scaled down version but the neighbors are still saying no. He said he supported the project.

DAVE GRAGG, 2720 S. McClelland Place, stated that he opposed the project. He stated his property backs up to the green belt and he can hear the noise from Alma School from his backyard yet Vestar stated they had a noise study done showing the noise was minimal. He stated while no one objects to the competition, they do object to the possibility of empty buildings which are detrimental to the neighborhood. He added the wall between the neighborhood and the development should be at least 10 feet tall.

MARGARET SERRANO-FOSTER, 2041 W. Hemlock, commented that she supports the project and commended the developer for making the changes suggested by the residents. She stated the opinion that this project is what the residents have asked for and said in regards to the Falls shopping center, it has been struggling with tenants moving in and out but with the proposed development by Vestar, it will allow the Falls to succeed also.

JOHN MCCLOUD, 861 W. Oriole Way, stated that he has been a resident of Carino Estates since February and opposes the project. He said the project would have a strip-mall appearance and it could also be used as a cut-through since there is no right turn lane from Queen Creek onto Alma School. He also opposed the use of the "Ocotillo" name.

VEL REZZONICO, 1450 W. Island Circle, expressed her support of the project. She said she was against the Wal Mart development, but feels this project will be successful. She added that Ocotillo was a very well planned community and it was nice to have things close.

JAMES SCHARREL, 2701 S. McClelland Place, stated that Carino Estates Alta Vista has submitted an alternative plan for the project moving mini A & B up facing the north side, putting it against the medical buildings yet to be built, facing away from the residents. He also proposed that the requested 10-foot wall be of split-block. He said Trader Joe's would be a more desirable choice than another chain grocery store.

ANNA KUBIAK, 2178 E. Winchester Way, expressed her support of the development because restaurants are needed in this area and the project should be started so the City can start getting sales tax revenue. It was her opinion that Vestar centers are of a high quality and very well built. She commented that when the homeowners bought their homes backing up to commercial, they should have been aware that there may be something built there that they don't want.

SANDRA LANEY, 1233 W. Lantana, thanked staff for the work they have done on the project and voiced her support for elimination of the drive-thru window on mini-major A and asked that the following stipulation be added: No traditional grocery store or untested grocery concept be at this site. She stated that given the amount of grocery stores and pharmacies on this corner and within 2 ½ miles, this stipulation is needed to ensure the economic vitality of the intersection. It will also provide the residents with the diversity of shopping choices allowing them to spend their money locally. If Council approves the request, stipulate that mini-majors A & B not to exceed 35,000 square feet each.

LORI DANIELS, 700 N. Dobson #7, stated that she will be moving to Ocotillo next month and is in support of the project. She stated her opinion that Vestar has done a good job trying to accommodate the wishes of the neighbors because they were concerned and being responsible.

JAN MADERIC, 1101 W. Honeysuckle, said he would like to see mini-major A & B down sized and the elimination of the drive-thru in mini-major A & B. He felt the neighborhood could not support a 5th grocery store.

MATT ORLANDO, 3681 S. Marigold Place, commended the Mayor and Council for the work they've done in developing the commercial design standards. He said the Design Review Commission is doing an excellent job in communicating the standards to the developers. He stated his opinion that there were still some changes that needed to be made in the design such as the back doors leading to the entrance way. He said an example would be the design elements (canopies and landscaping) added at the Chandler Mall. He added that there was more parking than normal for this type of project and commented that there needs to be a move away from the linear designs. He added he was in support of the project.

ED RICCIO, 475 W. Redwood Drive, board member in the Fox Crossing Homeowner's Association, stated his concerns were that there were seven pharmacies within a one mile radius between Germann and Chandler Heights Boulevard and there were four grocery stores within that same radius. He added he was against the drive-thru as it is a hazard to pedestrians and is too close to the single-family homes. He reiterated that mini-major A & B be separated so they cannot be combined in the future and there should also be a stipulation prohibiting any 24-hour business. The current stipulation only prohibits 24-hour deliveries.

FRANK PEAKE, 1199 N. Melody Circle, addressed some issues regarding stipulations for the project. He stated the opinion that there was a saturation of pharmacies in the area and that if the freestanding pharmacy was approved, an exit strategy should be provided. He added exit strategies should also be planned for mini-majors A & B and that many aspects put into this project by Vestar are of good quality and what is needed in the development.

MARC CHESIN, 3761 S. Camellia, said that this project is a unique opportunity to develop a gateway to Ocotillo and Sun Lakes. He commented that this corner should be as aesthetically pleasing as the SEC of Queen Creek where the waterfall is located. He commended Doug Ballard and his staff for the time and commitment they have put into bringing the neighbors and developer together. He added that neither a drive-thru nor a 24-hour business is needed and that there should be a consideration to what this area will look like in 2-3 years.

BECKY JACKSON, 3481 S. Vine Street, stated she is currently a Gilbert resident moving to Chandler this week. She supports the project and feels it compliments the area.

MAYOR DUNN asked the applicant to address some of the issues mentioned by the neighbors such as the siting of the mini-majors at the proposed location, the phasing of the project and the wall design and height.

MIKE WITHEY began his presentation by stating that it is impossible to please everyone. However, there were quite a few people who supported the proposal. He said there was extensive dialogue between the neighbors, Vestar and staff. The applicant will not be changing the overall use of the property. It is a neighborhood shopping center. He commented it was important to note that the project had the approval of the staff and the Planning Commission. He

said the size of the majors was addressed in stipulation 8 which stated that no user shall be in excess of 50,000 square feet. He stated that could not be amended without going back through the full process.

In response to the location of the mini-majors, Mr. Withey said when the plan was established when the property was zoned, the depth off Alma School Road is far greater on the north than on the south and larger uses were envisioned at that time than what it being currently proposed. The single family subdivision was also design to side on lots to create its own buffer area. If Vestar did nothing, this buffer would be far superior to anything in Chandler, but an 8 foot wall is being installed along with an additional landscaped area. There is no guarantee that a smaller business in that location would not generate more activity than the larger building. He added that currently no tenant leases have been signed.

DAVID LARCHER, 2425 E. Camelback with Vestar, stated that Vestar has been developing shopping centers in Phoenix for over 20 years and has a long track record for developing quality retail projects. It is in Vestar's best interest to obtain high-quality tenants so they can collect higher rents.

MR. WITHEY reiterated that this is a PDP and is currently zoned PAD Commercial with the intent to permit C-2 uses which includes a grocery store. He commented it was appropriate to regulate the site plan, design and architecture, but not to limit the type of store that goes in.

In regards to phasing, Mr. Withey said the phasing is the entire main center, shops A, PAD C & D and the pharmacy. He stated the restaurant pads would come in the later phase and added the vacant pads will be dust-proofed and maintained in the interim.

In addressing the amount of landscaping, MR. WITHEY stated that there is more landscaping than square footage of the buildings.

As for the naming of the center, he stated it was not clear if Ocotillo is a name someone owns or whether it depicts an area of the Valley. There are currently approximately 190 businesses using Ocotillo in their name. He said if Council directed the name be changed, they would agree. COUNCILMEMBER WALLACE commented that the area has been called Ocotillo for over 50 years and is not a recent development.

MR. WITHEY reviewed the stipulations stating that it was important that Stipulation Number 9 (eliminating the drive-thru) be deleted. He said the use has been designated as pharmacy only and drive-thru is essential. Vestar limited the use of that portion of the site to pharmacy which is low use, the hours of operation were limited, there is a separation of 244' from the building to the neighborhood, additional landscaping has been included, and there is an 8-foot wall eliminating all view of the drive-thru - fully enclosed it as stipulated by the Planning Commission and has a sound engineer rendered an opinion that there is noise perceptible.

He commented that Stipulation Number 12 specifies that the sign package had to come back under a separate PDP which he felt inappropriate and unnecessary. A full submittal was presented specifically describing sign locations, type of signs, materials, etc. This submittal was required as part of the PDP package and involved extensive work. The package was negotiated with staff concluding with a compromise of eliminating one of the ground signs and staff adding Stipulation 11 which limits the number of tenants that can be on a monument sign.

VICE MAYOR HUGGINS asked for clarification on the decibels and noise levels relative to the drive –thru. MR. WITHEY responded that one of the Planning Commissioners requested a study be conducted. The noise engineer took into consideration the 244' distance to the neighborhood, the landscaping, wall and the fact that the drive-thru was enclosed and submitted a report that the anticipated noise level from the drive-thru with the nearest Carino Estates residential lot would be 32-34 decibels. This charted to "quite suburban night time".which is just above 30 decibels for a library. This is 15 decibels lower than the typical suburban noise level and "would not be perceptible within the Carino Estates residential development".

In response to questions from Councilmember Westbrook, MR. WITHEY responded that the exit strategy for the pharmacy is addressed in Stipulation 14. It is important that the possibility of 24-hour use be available to be competitive with the other corners which do not carry such a stipulation. The hours of delivery have been restricted as per the Planning Commission's request. He stated they do not agree to splitting the mini-majors. COUNCILMEMBER WESTBROOKS said he was questioning the exit strategy more from the mini-majors rather than from the pharmacy. He also asked staff if there were any other businesses on the corner with a 24-hour use. MR. WEWORSKI replied that there are no zoning restrictions on the other corners to prohibit 24-hour service. Staff is not aware of any of the businesses on the corners currently with 24-hour operations. COUNCILMEMBER WESTBROOKS commented on the need to have something unique on this lot that is different from what is typically on corners. He stated another major issue is the intensity on Arizona Avenue with other commercial nodes.

BOB WEWORSKI stated that the new Fry's building at Riggs and McQueen has a drive-thru but it is in the front of the building rather than on the side. He added that drive-thrus are becoming typical on some of the larger grocery stores but not the smaller ones.

COUNCILMEMBER WESTBROOKS commented that he agrees with the issues presented by the neighbors and commended the applicant for their time and effort put into the project, but is not convinced that this is the type of use for this corner. MR. WITHEY stated that traditional grocery's are larger than 50,000 square feet and there are a number of users that Vestar has that are available for this size space.

COUNCILMEMBER WESTBROOKS expressed concerns with having the mini-majors together and how easy it would be to knock out a wall and have an 80,000 square foot box.

A MOTION WAS made by VICE MAYOR HUGGINS, SECONDED BY COUNCILMEMBER BRUNO to approve the project and delete stipulations 9 (The drive-through window/canopy located to the north of the mini-major A building shall be eliminated and replaced with additional landscape buffering) & 12 (A comprehensive sign package shall be required to be reviewed under a separate PDP application)

COUNCILMEMBER BRUNO stated that while she supported the project she had concerns with removing stipulation 9. VICE MAYOR clarified that his motion would be for deletion of Stipulation No. 12 only. COUNCILMEMBER BRUNO agreed.

MR. WITHEY mentioned that the drive-thru is significant to Vestar and they feel it was put in the best location. The other option would be to put it in front of mini-major A in the parking lot which is not best resolution but would be preferable to not having one at all. They would be amenable to a stipulation to put the drive-thru roughly 400 feet in front of mini-major A with details to be worked out with staff.

THE MAYOR asked staff if they were satisfied with the sign package as submitted without having to come back with another PDP. MR. BALLARD stated that they are in agreement that the stipulation be deleted. The stipulation was added at the request of the Planning & Zoning Commission.

COUNCILMEMBER WALLACE commented that the project is fantastic and the process worked by having the citizens involved from the beginning. She also commended Vestar for working to come up with a quality project and it would be in their best interest to build a quality project since they manage their own properties.

MAYOR DUNN said that the design of this project is comparable to the Casa Paloma Center at Ray and I-10. There has been a lot of investigation into moving the major shops to another location on the site, but because of the unique shape of the lot, that was difficult to do.

MR. BALLARD thanked Bob Weworski who has put in countless hours on this project.

COUNCILMEMBER ANDERSON asked the applicant how stipulation 9 (The drive-through window/canopy located to the north of the mini-major A building shall be eliminated and replaced with additional landscape buffering) would affect the project. MR. WITHEY responded that it would be nice to have the opportunity to provide that service because a number of the tenants have expressed an interest that option. COUNCILMEMBER ANDERSON commented that he was impressed with the noise study and the additional landscaping.

COUNCILMEMBER ANDERSON made an amendment to the motion to include the deletion of stipulation 9 (The drive-through window/canopy located to the north of the mini-major A building shall be eliminated and replaced with additional landscape buffering). THE AMENDMENT DIED FOR LACK OF A SECOND.

COUNCILMEMBER BRUNO stated that if a tenant comes in to mini-major A and requires a drive-thru, she is not in favor of having a kiosk or any type of structure in the parking lot. There is the possibility of more auto noise than was indicated in the noise study which is a big concern of the neighbors.

COUNCILMEMBER WESTBROOKS stated that there were 10 items presented by the neighbors that were not addressed in the motion. COUNCILMEMBER WESTBROOKS made an amendment to the motion to include stipulations of no 24-hour use, to not use "Ocotillo" in the name, and to have staff address the 4-sided architecture. THE AMENDED DIED FOR LACK OF A SECOND.

COUNCILMEMBER WALLACE stated that it would be unfair to be a 24-hour restriction on this center when it is not on the surrounding centers.

VICE MAYOR HUGGINS commented that the neighbors do not want the drive-thru and even though he didn't feel it would be a problem he did not want to jeopardize the project because of that one issue, but the people do not want it and Council works for the people. Vice Mayor called for the question.

THE MOTION CARRIED BY MAJORITY 6-1 with COUNCILMEMBER WESTBROOKS voting nay.

Approval is subject to the following conditions: (Original Stipulation No. 12 was deleted and the stipulations were renumbered as follows)

1. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
2. Completion of the construction of all required off-site improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details and design manuals.
3. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meeting current City standards.
4. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Ocotillo Towne Center II", kept on file in the City of Chandler Planning Services Division, in File No. PDP03-0001, except as modified by condition herein.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
6. All common area landscaping shall be controlled and maintained by a Property Owners Association.
7. A dissimilar use landscape buffer shall be installed adjacent to the residential properties to the north and east of the site and shall include 12' tall trees planted 20' on center.
8. All individual building pads and tenant spaces shall not exceed 50,000 s.f. in size.
9. The drive-through window/canopy located to the north of the "Mini-Major A" building shall be eliminated and replaced with additional landscape buffering.
10. Hours of delivery along the entire length of the main retail building, including the "Mini-Major A" and "Mini-Major B" tenant spaces, shall be prohibited between 11:00 p.m. and 6:00 a.m.
11. All monument signs shall be limited to a maximum of two tenant names per sign face and provide decorative panels on all unleased future tenant name areas of the sign.
12. Additional date palms, spaced approximately 50' on center, shall be installed within the adjacent landscape medians at Alma School Road and Queen Creek Road.
13. The alternative exit strategy plan for the pharmacy building at the intersection corner shall be included with the approved Development Booklet.

The meeting recessed at 10:35 p.m and reconvened at 10:45 p.m.

53. UPDATE / DISCUSSION: Crown Victoria Fire Suppression System

COUNCILMEMBER WALLACE explained that she had seen a demonstration on the news of the fire suppression system Ford is offering for the Crown Victorias. A representative of the National Association of Police Officers said that the organization is lobbying to have the systems retrofitted nationally in the fleet of Crown Victorias in public safety departments. She asked Staff to present an update on the fire suppression systems.

Acting Police Chief DAVE NEUMAN stated that Manny Chavez had attended the National Fleet Association conference. A representative from Ford was there discussing a fire suppression system they are working on which consists of a foam-like substance. The system would consist of a holding tank with spray nozzles with lines to various areas of the vehicle including the passenger compartment and fuel areas. It would be controlled by computer sensors and the ABS brake system. They speculated that it will be included in the 2005 models. The systems currently installed in the City's fleet of Crown Victorias include the fuel-cell bladders and the fire panel containing a fire suppressant inside the molded shell around the gas tank.

MAYOR DUNN asked about the status of current retrofitting of available suppression systems on the City's fleet. CHIEF NEUMAN responded that it is 100% complete at this time and includes the fire-suppressant shielding, fuel bladders and fire panels. When the fire suppression system is available in 2005, it will be offered as an option at a cost of \$2,000 – \$4,000 when the cars are ordered. Ford does not plan to retrofit any vehicles because the system has to be initially built in the cars. He stated it would be nice to wait for the test results to determine if we wanted to include the system as an option for new vehicles.

COUNCILMEMBER WESTBROOKS asked if there are any other vehicles that meet the needs of the Police Department that could be purchased to replace the Crown Victorias. CHIEF NEUMAN replied that others are becoming available.

Responding to a question from Councilmember Bruno, CHIEF NEUMAN stated that it is his understanding that the vehicle in the Tempe-officer involved accident was not retrofitted.

Officer MANNY CHAVEZ stated that there are several fire suppression systems available similar to those used in NASCAR racing. The only one available for the Crown Vic police interceptors will be the one being developed by Ford and will be available as an option only on the 2005 models. The cost-effectiveness for retrofitting will be prohibitive because it will entail separating the chassis from the body.

He commented that Chandler has done more than any other municipality in making our vehicles safe by installing fire panels and bladders. He stated that no other manufacturer was offering a fire suppression system. The Chrysler Intrepid is offering a vehicle slightly smaller than the Crown Vic and they have taken delivery of 10 Chevy Tahoes and will be installing fuel tank bladders in them and they are also working with a fire panel manufacturer who is working on a panel that will be installed in the Tahoes.

COUNCILMEMBER WALLACE commented that she had spoken with Officer Dave LaVoy, President of the Chandler Law Enforcement Association, who reiterated that Chandler has done more than any other city to make our vehicles safe. She stated that her intention this evening was to get information to consider asking Ford to pay for retrofitting. Ford has been known to state that something cannot be done only to find out later that it can. In her opinion, Ford's first reaction is what it will cost them rather than whether it can or cannot be done. She would like Council concurrence to forward a letter to the National Association of Police Officers, as well as State and local organizations and Ford that we would support them when the appropriate system was developed, in retrofitting the vehicles.

COUNCILMEMBER ANDERSON asked the feasibility of retrofitting the vehicles. OFFICER CHAVEZ stated that the fleet department could not retrofit our vehicles, that they would have to be sent to a Ford dealership. He was unable to give a timeline for completion of the installations.

because it has not been done yet, but could be lengthy because other valley agencies would also be participating.

COUNCILMEMBER ANDERSON suggested that the direction we should take is to look at the future and said the Police Department should review their budget and consider adding monies to purchase the systems when they become available in 2005. Councilmember Anderson asked if the officers driving the retrofitted vehicles feel that Council has done everything they could do or are there other things that can be done to make the vehicles safe. OFFICER CHAVEZ responded that he feels the majority of the officers are satisfied that the City has done everything we can do at this point to make the vehicles safe for them.

OFFICER CHAVEZ commented that Ford representatives stated at the conference that they were not going to step up and offer to reimburse municipalities for the costs of retrofitting. If the vehicles still under warranty were retrofitted by municipalities, it could negate the warranty. The changes made by Chandler are recognized by various law enforcement agencies throughout the country and Canada. COUNCILMEMBER ANDERSON expressed his appreciation to the police staff for what they have done to make the vehicles safer for our officers.

COUNCILMEMBER WALLACE stated that this is the reason that she asked for an update and that a letter issued by the Council would be premature at this time. She suggested that a PSA be included on Channel 11 and in the City Scope reminding citizens that when an officer is on the side of the road with lights flashing, to move into the left lane when passing them. She hoped that other automakers are exploring developing systems that would provide some competition for future purchases.

COUNCILMEMBER CACCAMO asked about the fire suppressant system being offered by Ford. OFFICER CHAVEZ replied that the only system being offered is the foam system. The fuel bladders and fire shields are the responsibility of the agency. In response to additional questions from Councilmember Caccamo, OFFICER CHAVEZ stated that there is approximately a \$5,000 difference in the price of the Tahoe and Crown Victorias. The Tahoe has no history of fire but there was consensus that all vehicles purchased should be fitted with the latest safety technology available.

VICE MAYOR HUGGINS asked if there are any statistics regarding rear end collisions resulting in injuries to police officers in Europe or any other continents. OFFICER CHAVEZ stated he is not aware of any. He stated the Crown Victoria is not necessarily the worst for rear end collision fires, but the fact that the majority of law enforcement agencies are using them.

MAYOR DUNN concluded that this was a good discussion and that perhaps a future recommendation would be coming back to Council regarding the future purchase of police vehicles including a report from the City Attorney on efforts seeking full reimbursement for the cost of the bladders.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced the launching of the new City website: chandleraz.gov, and encouraged citizens to visit the site that is now more customer friendly. He thanked the communications staff, specifically Craig Younger, for developing the new site.

MAYOR DUNN informed everyone of the Pakistan Information and Cultural Organization event, Saturday, August 16, at 6:30 p.m, at the Scottsdale Center for the Arts. The celebration revives cultural traditions of the Indo-Pakistan as well as their independence from Colonial rule. The Mayor thanked Chandler resident and Human Relations Commission member Arif Kazmi for his work on the event.

Another downtown event announced was the jazz concert by jazz trumpeter Irvin Mayfield on Wednesday, August 20th, at 8:30 p.m. at the Sheraton San Marcos Resort as a tribute to world-renown photographer, writer, filmmaker, poet and pianist Gordon Parks. Tickets are \$15.00 in advance or \$20.00 at the door. Mr. Mayfield has become well known in the East Valley as the Artistic Director and headline performer of the annual Chandler Jazz Festival.

B. Councilmember's Announcements:

COUNCILMEMBER ANDERSON wished the Chandler Little League team well in the playoffs in Williamsport, PA on Sunday and Tuesday. He reminded everyone of the account set up at Wells Fargo to defray costs for the families of the team members and encouraged everyone to contribute.

COUNCILMEMBER WESTBROOKS requested that Staff provide an update on the status of ADOT Santan wall neighborhood meeting. PAT MCDERMOTT stated that a meeting was set up with ADOT, the Governor's office, MAG, various legislators and the City but it did not occur. The neighbors requesting notification of the meeting were notified. He stated as of today that meeting had not been rescheduled however, the ADOT Director would be back in town next week and staff would work to set the meeting up again. COUNCILMEMBER WESTBROOKS commented that he had received e-mails that if it wasn't clarified by a certain date, the contract would be approved.

BRYAN PATTERSON responded that the contract has been awarded but does include foundations that will support a wall 18-20' high. The section on the east end by Alma School Road does need to be added back in. A change order can be executed to add the wall on the east end along with another change order to raise the height for the rest of the wall. Work will commence soon but will not preclude the higher wall.

COUNCILMEMBER WESTBROOKS requested that that information be disseminated to the neighborhood. MAYOR DUNN clarified that all involved parties be included in the next meeting including a representative from the Governor's office. He stated that the citizens needed to be assured that we were working on the issue diligently and hoped to bring resolution soon. He reiterated that the City's position on the issue has not changed.

Adjournment: The meeting was adjourned at approximately 11:25 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 14th day of August 2003. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ of _____, 2003.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, August 28, 2003 at 7:08 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrooks	Councilmember

Also in attendance:

Pat McDermott	Acting City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Nachie Marquez, Mark Eynatten, Garrett Newland, Michael Traynor, Patricia Walker, Dave Siegel, Doug Ballard, Acting Chief Neuman, Bryan Patterson

INVOCATION: The invocation was given by Pastor Kevin Hartke, Trinity Christian Fellowship

PLEDGE OF ALLEGIANCE: Councilmember Westbrooks led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Retirement Recognition:

MAYOR DUNN, assisted by DAVE SIEGEL, recognized FERNANDO MARTINEZ, who is retiring from City service after twenty-six years. Fernando began his career with the City in the Community Services Department's Park Division and later began working with the Wastewater Collections Division. Over the years he has risen through the ranks to his current position as Utility Operator II, where he is responsible for operating all of the different types of machinery and vehicles related to wastewater collection. Fernando has also been recognized as a humanitarian for the City. Many years ago, while in the field working on a sewer technicality, a very distressed resident ran up to him and said her baby was choking. He followed her and confirmed that the child could not breathe. He cleared the child's airway and was responsible for saving his life. Fernando will be best remembered for his unwavering dedication when it came to sharing his knowledge with fellow employees. Mr. Siegel said that Fernando has been a valued, dedicated employee and he will be missed by all.

2. Service Recognitions.

MAYOR DUNN, assisted by Acting Chief DAVE NEUMAN, recognized CYNTHIA PINA for her 15 years of dedicated service to the City of Chandler. Cynthia began her career with the City as a Secretary in Youth Services and when that program ceased, she was transferred into Records as a Police Records Clerk. Since that time she has worked in a variety of different areas and while her title remained the same, her knowledge of all aspects of the Police Department increased

enormously. She was cross-trained in communications several years ago and is currently serving the City as a Police Administrative Specialist in the Criminal Investigations Section of the Police Department. Over the past 15 years, Cindy has worked in or been trained in every department in the Police Department. She is also a certified translator for the City and has assisted with the Police Department's Open House and in various fundraisers. Cindy also volunteers her time for various projects and when not at work, she gives to the community through Pop Warner football and her children's schools. Chief Neuman thanked CYNTHIA for her 15 years of service.

MAYOR DUNN, assisted by DOUG BALLARD, recognized BILL GARRETT for his ten years of dedicated service to the City of Chandler. Bill came to the City as a consultant in Public Works in 1989 and in 1993 he was hired as a Plans Reviewer for the Planning & Development Department. He specializes in Civil Engineering projects and has worked on a variety of major projects including many City parks, Fire Stations, the Police Administration and Municipal Courts Buildings, the Airport Terminal, Control Tower and helipad as well as a variety of Public Works and Municipal Utility projects. Bill is greatly respected by his peers in Planning and Development and was elected to represent them as Vice President of the City's Employee Council for two years. He has also served on the Employee's Benefits Committee and is a member of the Planning & Development's Fiesta Team. His outgoing personality and positive attitude makes him a valued member of Team Chandler. Mr. Ballard congratulated Bill on his ten years of service to the City.

MAYOR DUNN stated that JAMES SWEENEY was not able to be present for his ten-year recognition.

3. Presentation - Public Housing Executive Director of the Year; Kurt Knutson.

MAYOR DUNN, assisted by DOUG BALLARD, announced that Housing and Redevelopment Manager KURT KNUTSON has been named the Public Housing Executive Director of the Year. He said he believes, as many others do, that the City of Chandler has the best public housing authority in the Valley if not in the entire State and Kurt has been recognized by his peers in the State of Arizona for his exceptional contributions in this area. Kurt manages over 200 housing units together with 100 plus scattered-site units and approximately 300 Section 8 units. He is also responsible for many innovative programs that have caught the attention not only of Chandler Staff but also by his peers throughout the State. Kurt has put together a program whereby the City is in the process of constructing seven very attractive single-family homes and people who have never had the opportunity to own a home will now be able to largely because of Kurt's efforts. He said a drawing was recently held for applicants who want to own a home and commented on the benefits of this worthwhile program. Mr. Ballard congratulated Kurt on his well-deserved award.

MAYOR DUNN read the wording on the award plaque and congratulated Kurt on his achievements over the years.

4. Recognition - Southeastern Consortium for Minorities in Engineering (SECME) Mousetrap Competition National Champions.

MAYOR DUNN, assisted by RICHARD SMITH, asked the Business Department Chair at Hamilton High School, other SECME representatives and the National Champion students, DALIA AWWAAD, RYAN JONES AND JEFF BRUCE to join them at the podium and be recognized for their accomplishments. Mr. Smith said that the students have the ability to start from scratch, make a mousetrap, construct and engineer it using an engineering theory. They

competed against all the other high schools around the nation and they won. This was the first time City of Chandler students have ever competed in this competition. Mr. Smith said he hopes this spreads throughout the entire school district and said that it is a great opportunity for the students. He thanked his principal for allowing them to participate in this worthwhile competition.

5. Proclamation - Chandler Education Foundation.

MAYOR DUNN requested that MICHAEL BASHA and other members of the Chandler Education Foundation, including Councilmember Bruno, join him at the podium as he read a proclamation in honor of the Chandler Education Foundation. He stated that the Foundation is a non-profit organization dedicated to excellence in education in Chandler and was established to support and raise public awareness of the importance and value of education. Since 1986 the Chandler Education Foundation has been proud to provide private funding for outstanding educational projects in the Chandler Unified School District and has significantly enhanced the educational environment of Chandler and provided financial support for college-bound scholarships, extended education programs, scholarships for graduating seniors, school grants and teacher mini-grants. The Mayor added that the Foundation would be holding a number of events in the community in September to raise support and awareness for many vital programs and resources. He said it is his honor and privilege to proclaim September 2003 as Chandler Education Foundation Month.

MR. BASHA, on behalf of the Foundation, thanked the City for their support and partnership, particularly Councilmember Bruno and the other members of the Council who have attended the various events. He also thanked Dr. Camille Castille for her support as well as the other members.

MAYOR DUNN advised that a golf event will be held on September 11th and asked anyone interested to contact the Foundation's office at 812-7631.

6. Proclamation - Chandler Little League Day.

MAYOR DUNN stated that the pride and determination the Chandler National Little League showed on the field was thrilling and certain contagious for the community. Their magical run kept everyone caught up in a moment that no one wanted to see end. Perhaps most inspiring was the poise these 12 young men showed under the microscope of national media and intense scrutiny -- they held their own. On the road to Williamsport, they posted a 16-1 record in state and regional play. They outscored their opponents 96-37 in those games showing a combination of timely hitting, with great pitching and defense. In the World Series they won their first three games before losing to the eventual U.S. Champions of Florida. The Mayor called up each of the player and introduced them to the audience as follows:

MICHAEL BENJAMIN, 11 years old, Second base, student at Hull Elementary School. Favorite subject is math; TREVOR BENJAMIN, 12 years old, Centerfield, student at Anderson Jr. High. Favorite subject is math; CORY BERNARD, 12 years old, Pitcher. Student at Bogle Jr. High. Favorite subject is technology; TIM FOWLER, 12 years old, Catcher and Pitcher. Student at Bogle Jr. High, Favorite subject is math; AARON HARDENBURG, 12 years old, Catcher, Pitcher, Right field, student at Bogle Jr. High. Favorite subject is math; TRENT HARDENBURG (Aaron's twin), 12 years old, Center field, student at Bogle. Favorite subject is math; MARKUS KALBER, 12 years old, Left field, student at Anderson Jr. High. Favorite subject is math; TYLER KEM, 12 years old, Left field, student at Anderson Jr. High. Favorite subject is math; EDDIE MALONE JR. (Dad is the Manager), 12 years old, student at Queen Creek Middle School. Likes to write; JARED MCLAUGHLIN, 12 years old, First base, student at Santan. Favorite subject is math;

MATT POTTER, just turned 13 this past Sunday. (The Mayor wished him a Happy Birthday.) First base and pitcher, student at Bogle Jr. High. Favorite subject is math; JUSTIN ROSALES, 12 years old, Short Stop and Pitcher, student at Andersen Jr. High and his favorite subject is Physical Education.

MAYOR DUNN also congratulated Manager EDDIE MALONE, Coach MIKE BENJAMIN (former major league shortstop) and Coach MARK KEM.

The Mayor and members of the Council as well as the audience applauded the members of the team, the Manager and the Coaches on their outstanding effort and accomplishment,

Team Manager EDDIE MALONE thanked the City of Chandler and all of the parents for their support. He also thanked the players for all of their hard effort that they put forth for the City. Mr. Malone also thanked Councilmember Anderson for all of his support in raising funds for the families.

COUNCILMEMBER ANDERSON said that it has been an exciting, new experience trying to raise funds for this important event to assist the parents in meeting expenses associated with participating in the games. He stated that he promised the parents that he would try to raise some of the money needed, (almost \$50,000 in costs if they stayed all the way to the end). He said that the members of the team have not only played great baseball, they have served as great representatives of the City of Chandler and demonstrated outstanding sportsmanship and character. He asked the Mayor to join him in presenting a check in the amount of \$31,500 to defray a significant portion of the expenses. He added that the funds have come in from all over the State and the figure reflects what was received as of yesterday, and donations are still coming in. He thanked everyone for their generosity and support.

MAYOR DUNN said that this is the first time they have ever done this, but they are going to present the members of the team with a Key to the City to thank them for their representation of the City. He added that they were the best ambassadors the City of Chandler and the State of Arizona has had in some time. He presented individual keys to each member. The Mayor also displayed a limited edition of baseball cards of all the team's members and their stats produced by the Arizona Republic and said that the cards will also be available at Saturday's event to the first 1,000 attendees. He presented the members of the team with sets of the limited edition cards.

MAYOR DUNN announced that there will be a community celebration with several guests, including the Governor, on Saturday and encouraged everyone to attend this event and celebrate the teams efforts and victories. He thanked them again for capturing the hearts of this community and he wished them the very best.

COUNCILMEMBER ANDERSON added that the team and their parents will be holding one fundraiser and anyone who wants a signed autographed baseball by the team can obtain one with a donation of \$100 or more. He said he believes the monies raised as a result of this fundraiser will allow all of the expenses to be covered and encouraged citizens to purchase the autographed baseballs. He said that donations can be sent to the City Hall.

MAYOR DUNN then read a Proclamation in honor of the Chandler Little League All-Star Team and said that they are a tremendous inspiration to their fellow athletes, coaches, family, friends and the entire Chandler community. The Mayor said it is his honor and privilege to proclaim Saturday, August 30, 2003 Chandler Little League Day.

UNSCHEDULED PUBLIC APPEARANCES:

There were no unscheduled public appearances.

CONSENT:

MAYOR DUNN commented that the certification of baseline court collections (Item #23) was a topic of discussion at the Arizona League of Cities and Towns and how it is being addressed differently in each city. The Mayor felt that because it is a law, we should comply with it while continuing to work towards modifying it, repealing it or establishing a "sunset date" on it so cities do not have to continue sharing court fines and receipts and use them within the City. It is one of the top five priorities for the League Resolutions Committee to take forward to the next legislative session.

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY VICE MAYOR HUGGINS, to approve the Consent Agenda as presented. COUNCILMEMBER WALLACE stated that she would be voting "no" on Item #43 (City Attorney Contract) Motion carried unanimously (7-0).

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council meeting held August 14, 2003.

2. POWER EASEMENT / SRP: Arrowhead Meadows Park Ord. #3469

ADOPTED Ordinance No. 3469 granting a no cost underground power distribution easement to Salt River Project (SRP) for installation and maintenance of electrical facilities to operate the pool facility in Arrowhead Meadows Park located near the SEC of Erie Street and Arrowhead Drive.

3. DEVELOPMENT PLAN: International Surfacing Systems Ord. #3482

ADOPTED Ordinance No. 3482 (DVR03-0009) rezoning from AG-1 to PAD for Planned Industrial District I-1 uses including an asphalt materials contractor for approximately 4.39 acres located south of Galveston Street and east of 56th Street. (Applicant: Jason Morris of Withey, Anderson & Morris PLC).

4. CITY CODE AMENDMENT: Court Fees Ord. #3483

APPROVED Ordinance No. 3483 amending subsection 25-4.7 of Section 25-7 Chapter 25 of the City Code. The City Council recently established a domestic violence prevention fee to be used to fund a domestic violence prevention fund maintained and administered by the City. The fee would be paid by all domestic violence offenders and would have benefited local entities that assist in the prevention of domestic violence in the local community.

The proposed ordinance would allow the City Magistrate to waive imposition of the fee where the domestic violence offender has made a comparable donation to a domestic violence prevention entity acceptable to the Municipal Court. It preserves a general practice of the Municipal Court that had been followed prior to the establishment of any domestic violence prevention fee legislation and encourages direct assistance of local domestic violence shelters and other local

entities involved in the prevention of domestic violence in Chandler. The ordinance also corrects some grammatical errors.

5. POWER EASEMENT / SRP: Fire Training Facility Radio Tower Ord. #3480

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3480 granting a no cost power distribution easement to Salt River Project (SRP) to provide power to the 800 MHZ radio tower for the digital radio system located at the fire training facility, west of Dobson Road and south of Queen Creek Road.

The City Council approved an amendment to an agreement in December 2002 authorizing the City of Chandler to participate in the City of Phoenix Regional Wireless Network. The agreement requires the City of Phoenix to install a tower for the radio system at the City of Chandler's Fire training facility. The tower requires a new underground 12kv power line and Phase 3 power cabinets. To install and maintain the required power line, an 9-foot wide easement is required. The City has requested the power line and because the City directly benefits from this easement, there are no costs involved for the easement.

6. NO BUILD COVENANT: 230 and 236 S. Arizona Avenue Ord. #3486

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3486 approving a No Build Covenant for the City parcel at 230 and 236 S. Arizona Avenue.

In conjunction with the Façade Improvement Program loan agreement for property at 250 S. Arizona Avenue, the developer will construct openings on the north wall of the existing building and because the building is on or close to the property line, assurances need to be made by the City that the City will not construct buildings on the City's adjacent property at 230 and 236 S. Arizona Avenue in a manner that would cause the building at 250 S. Arizona Avenue to constitute a violation of the City of Chandler Building or Fire Code. Since the City has planned the property at 230 and 236 S. Arizona Avenue for parking, driveway, landscaping and sidewalk uses, the No Building Covenant does not conflict with the City's plans.

7. FAÇADE LOAN: 250 South Arizona, LLC

APPROVED, as recommended by Staff, a Façade Loan in the amount not to exceed \$180,000 to 250 South Arizona, LLC for the purpose of restoring the façade at 250 S. Arizona Avenue.

The City has set aside Downtown Redevelopment funding for the purpose of restoring commercial buildings near the downtown historic district. Specifically, the aforementioned funds are to be used to upgrade facades in and around Historic Downtown Chandler. The 250 South Arizona, LLC owns or controls commercial property at 250 South Arizona Avenue and intends to renovate the interior and the three facades of the building. The east and north walls of the building will have storefront facades and the west wall façade will be improved and function as the service entryways for the building. The façade will be rebuilt to resemble the "Mission-style" architecture to complement the historic district. The owner has asked for City participation in the renovation of the building and staff recommends using existing Downtown Redevelopment funds to accomplish the restoration and rebuilding of the building's façade. Total costs for the entire project to purchase and renovate the building including the façade restoration are estimated at \$1,271,150.00. Staff's recommendation is for a loan amount not to exceed \$180,000.00.

Promissory Note secured by a Deed of Trust – City will maintain second position on the property's title.

8. IGA / ADOT: Dobson/Warner Intersection Design

Res. #3674

ADOPTED Resolution #3674 authorizing an intergovernmental agreement with the Arizona Department of Transportation (ADOT) for the design of Dobson Road and Warner Road intersection improvements in the estimated total amount of \$649,947.00 with Federal participation capped at \$612,900.00 and City matching funds of \$37,047.00. Staff and the Transportation Commission recommend approval of the IGA.

The City has received a Congestion Mitigation and Air Quality (CMAQ) grant to start early design of the Dobson Road/Warner Road intersection. This is the first time CMAQ funds will be used for design. Design was planned for Fiscal Year 2004/2005, but staff was able to obtain a special allocation of Federal Fiscal Year 2003 year-end funds for this project, which allows the project to start design one year early. This funding was not expected or programmed in the City's Capital Improvement Program. The design contract funds must be awarded by the City before August 30, 2003 to meet the Federal Fiscal Year 2003 deadline of September 30, 2003 for federal obligation of the funding.

The Dobson Road/Warner Road intersection design will be similar to the intersection improvements at Alma School Road/Elliot Road and Dobson Road/Elliot. The design will incorporate dual left turn lanes, a third auxiliary through lane, right turn lanes, paved concrete medians, street lighting, storm drainage and landscaping.

This grant award saves the City the design costs that would normally be paid by HURF or General Obligation Bonds. In addition, getting an early start on design will allow staff more time to deal with right-of-way and utility relocation issues during the design phase. Staff does not anticipate moving up the construction date of the Dobson Road/Warner Road intersection. Construction is currently planned to start in early 2006. The City will administer the design contract and be reimbursed by ADOT for 94.3% of the costs after the design is complete.

9. ENGINEERING SERVICES CONTRACT: Dobson and Warner Intersection

APPROVED an engineering services contract (Project #ST0401-201) to Stantec for the design and right of way acquisition services of Dobson and Warner Roads intersection improvements in an amount not to exceed \$691,500.00. The intersection improvements are required to relieve congestion at this high traffic volume, major arterial intersection. The scope of work for this project includes the design and preparation of contract documents for intersection widening to provide three through lanes in each direction, right turn lanes, bus bays in each direction, dual left turn lanes in each direction, storm water drainage/retention, utility relocations, new traffic signals, landscaping, irrigation, right of way and easement acquisition, legal descriptions, and bike lanes. Because the project is partially funded with federal monies, services also include a design concept report and environmental assessment and coordination and review by the Arizona Department of Transportation.

10. IGA AMENDMENT NO. 2 / CITY OF MESA: Police Communication Svcs

Res. #3675

APPROVED Resolution No. 3675 authorizing Amendment No. 2 to the Intergovernmental Agreement with the City of Mesa for the provision of police communications services for Mesa's Parks and Irrigation Department for an additional two years. There are no financial implications

for the City of Chandler. Mesa pays a \$5.00 per month fee for each radio programmed for Chandler's system. If additional radios are added to the system, Mesa agrees to pay a \$20.00 programming fee for each radio added plus the \$5.00 per month Chandler system use fee. Currently, 87 Mesa radios use the Chandler system at a cost of \$435 per month.

11. IGA /ADOT: Design of Western Canal Multi-Use Path

Res. #3677

APPROVED Resolution No. 3677 authorizing an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) for the design of the Western Canal Multi-use Path (Price Road to Hamilton Street) in the estimated total amount of \$269,400.00 with Federal participation capped at \$254,044.00 and City matching funds of \$15,356.00. Staff and the Transportation Commission recommend approval of the IGA.

The City has received a new Congestion Mitigation and Air Quality (CMAQ) grant to start early design of the Western Canal multi-use path from Price Road to Hamilton Street. This is the first time CMAQ funds will be used for design. This is part of the continuing program to add multi-use paths to provide bicyclists, pedestrians and others with paths and trails away from vehicular traffic. Staff obtained a special allocation of Federal Fiscal Year 2003 year-end funds for this project, which allows the project to start design two years early. The funds must be awarded by the City before August 30, 2003 to meet the 2003 deadline of September 30, 2003 for federal obligation of the funding.

This grant award saves the City the design costs that would normally be paid by Park Bonds. In addition, getting an early start on design will allow staff more time to deal with right-of-way and utility relocation issues. The City will administer the design contract and be reimbursed by ADOT for 94.3% of the costs after the design is complete.

12. ENGINEERING SERVICES CONTRACT / WESTERN CANAL BIKE PATH DESIGN:
EDAW

APPROVED an engineering services contract (Project No. ST0403-0201) to EDAW, Inc. for Western Canal Bike Path, including a 3 ½ mile bike path, lighting, concrete path, other amenities and limited landscape improvements, in an amount not to exceed \$253,343.00. The design is to be funded from available Congestion Mitigation and Air Quality (CMAQ) funds from the 2003 federal fiscal year closeout with Maricopa Association of Governments. The selection process was conducted in accordance with established City policies and procedures and has been reviewed and approved by Arizona Department of Transportation to assure compliance with requirements for this federally funded project.

13. ENCROACHMENT PERMIT: El Paso Natural Gas Company

Res. #3678

APPROVED Resolution No. 3678 establishing an Encroachment Permit for the use of public property by El Paso Natural Gas Company. The City's real estate department has done a thorough review of the easements and use agreements associated with the various parcels and has determined that the El Paso system is located in 1,013 linear feet of City public property. The fee is on this linear feet estimate along with a 6-foot wide separation requirement resulting in 6,078 square feet reserved for use. Chapter 46 of the City Code sets forth the requirements for use of the City's rights-of-way for such a system and this proposed agreement would satisfy the new Code requirements.

The City has received a \$2,000 application processing fee. There will be an annual footage fee of \$0.75 per square foot of public property reserved for use and is estimated that there will be 6,078 square feet reserved for a first year payment of \$4,558.50. The company will also pay a \$5,000.00 temporary expansion fee for each subsequent permit required for new construction or maintenance of its system. The Expansion fee will pay any applicable City, county and state transaction privilege and use tax, all applicable encroachment permit fees and pavement restoration fees as dictated by City Code.

14. DEVELOPMENT AGREEMENT INCENTIVES POLICY:

Res. #3680

APPROVED Resolution No. 3680 establishing a policy for staff to include consideration of community and charitable participation by companies when evaluating financial incentives. At the request of Council, staff conducted research into other incentive programs to determine if similar programs existed by researching other cities, state and national sources and did not find any programs related to evaluating community and charitable participation. Staff also reviewed past development agreements and found that the majority of companies that had been offered incentives do participate significantly in community and charitable organizations. The evaluation will include monetary participation, time in community service, municipal and charitable organizations when considering to offer incentives.

15. REZONING / DEVELOPMENT PLAN: Rezzonico Dairy – Homestead Park

CONTINUED TO OCTOBER 23, 2003 a rezoning request (DVR03-0010, Rezzonico Dairy – Homestead Park), from AG-1 to PAD residential for an 83-lot single-family residential subdivision along with a Preliminary Development Plan on approximately 22 acres located west of the SWC of Germann and Alma School Roads. (Applicant: Pat Barker, Barton Homes.)

16. PLANNED AREA DEVELOPMENT: Biagio – Village at Wildtree

APPROVED a three-year time extension, as recommended by Staff, on the existing (DVR03-0019, Biagio - Village at Wildtree) PAD zoning for mixed use including commercial retail, office and multi-family residential located at the NEC of Rural Road and Chandler Boulevard. (Applicant: Schirmer Ball Company.)

On August 24, 2001, the 21-acre property was rezoned from agricultural (AG-1) to planned area development (PAD mixed use) with Preliminary Development Plan (PDP) for a mixed use development, including multifamily residential and commercial retail and office including the following condition:

8. Construction shall commence above foundation walls within two years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

The City has the option to extend the timing condition for another of time, eliminate the timing condition through administrative action, or revert the zoning to its former zoning classification by legislative action. The application does not seek to modify the site plan and building architecture.

The site will include commercial retail, office and multi-family developments tied together by the integration of common architectural, landscape, pedestrian, lighting and signage themes. There

are not wall barriers separating the different land uses. A separate application has been submitted to amend the Preliminary Development Plan to change the original approved apartments to condominiums, reconfigure the pharmacy building, and to modify some site features and add monument signs for the office use.

This request was noticed in accordance with the requirements for rezoning in the Chandler Zoning Code and no known objections have been received from the surrounding neighborhood or property owners. All other conditions in the original approval shall remain in effect.

17. DEVELOPMENT PLAN: Paseo Trail Parcel D –Greystone Homes

APPROVED a Preliminary Development Plan (PDP02-0009) Paseo Trail Parcel D, Greystone Homes, for housing products on 136 lots in a single-family subdivision of approximately 41 acres east of the NEC of Queen Creek Road and Gilbert Road. (Applicant: Stephanie Trahan, Greystone Homes.)

The site is located at the subdivision's southeastern end. The north side is adjacent to Parcel C which is to be developed by Cresleigh Homes. The west side is adjacent to an orchard and vacant land. South of the site, and east across the eastern Canal, is farmland, the future Layton Lakes subdivision in both directions.

Paseo Trail (formerly Lennar/Metropolitan 130) was rezoned to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for the subdivision design in January 2001. The land use, lot sizes, landscaping, street standards, setbacks and subdivision diversity standards were established during the subdivision's rezoning application. The existing zoning provides that all lots adjacent to Queen Creek Road shall have no more than 50 percent two-story homes side by side. The existing zoning also provides that the same front elevation shall not be built on adjacent or opposite lots and staggered front and rear building setbacks for adjacent house locations shall occur throughout the entire subdivision.

Specific to Parcel D, the existing zoning includes a stipulation that all lots with a front loaded garage shall have a minimum 20-foot yard and the front yard setbacks shall be staggered a minimum of 10 feet. All lots within Parcel D with a side entry garage shall have a front yard setback of at least 5 feet. The proposed D and E rear elevations will be offered on homes backing to Queen Creek Road, the Eastern Canal and other open spaces.

Finding consistency with the General Plan and previously approved Planned Area Development zoning, the Planning Commission and Staff recommend approval of the Preliminary Development Plan for housing products subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3215, in case PL99-061, Lennar/Metropolitan 130, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Paseo Trail Housing Product Submittal" kept on file in the City of Chandler Current Planning Division, in file no. PDP02-0009, except as modified by condition herein.
3. All homes built on corner lots within the residential subdivision shall be single story.
4. The proposed D and E rear elevations will be offered on homes backing to Queen Creek Road, the Eastern Canal and other open spaces.

5. When two-story homes are built on adjacent lots, a 20-foot separation shall be provided between homes.
6. For those lots abutting the Eastern Canal, no less than 50% of the homes shall be one-story and there may be no more than two (2) side-by-side two-story homes.

18. DEVELOPMENT PLAN: Sun Groves Parcel 13

APPROVED a Preliminary Development Plan (PDP03-0008) Sun Groves Parcel 13 Taylor-Woodrow for housing product on 126-lots in a single-family residential subdivision on approximately 46 acres located north of the NEC of Lindsay Road and Hunt Highway. (Applicant: Travis Nuzman, Taylor-Woodrow Arizona, Inc.)

This site is located on a portion of the larger Sun Groves subdivision and is surrounded by the remainder of the Sun Groves subdivision on three sides. The west side is adjacent to the Springfield Lakes subdivision. Sun Groves, including Parcel 13, was rezoned from agriculture to Planned Area Development with Preliminary Development Plan approval for the subdivision design and lot layout in March 1999.

Issues of land use, lot sizes, landscaping, street standards, setbacks and subdivision diversity standards were resolved during the rezoning and Preliminary Development Plan approval of the subdivision layout stage. At least 15 lots back up to the collector street and 7 lots back up to the common open space. The applicant has committed that two-story homes along arterial and collector streets and open space will be limited to no more than every third lot.

Finding consistency with the General Plan, Planning Commission and Staff recommend approval of the Preliminary Development Plan for housing products subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2943, in case PL98-158 Sun Groves, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Sun Groves Parcel 13 Preliminary Development Plan Submittal" kept on file in the City of Chandler Current Planning Division, in file no. PDP03-0008, except as modified by condition herein.
3. The same front elevation shall not be built on adjacent or opposite lots.
4. For lots adjacent to an arterial street, collector street, or open space, two-story homes are limited to every third lot.
5. When two-story homes are built on adjacent lots, a 20-foot separation shall be provided between homes.
6. All corner lots shall be limited to single story homes only.

19. SUBORDINATE / HOUSING REHAB LIEN: 661 N. Washington Street (McDonald)

APPROVED subordination of the housing rehabilitation lien on Project #99-3-1 located at 661 North Washington Street (McDonald). The single family, owner-occupied home was rehabilitated under the City of Chandler's Housing Rehabilitation Program in 1999. A lien was placed against the property by the City for \$26,554.00 in the form of a 10 year repayable loan, whereby the owner repays 25% of the total and the balance is forgiven at the end of the term of the loan. The owner's balance is currently at \$3,983.50 and the forgivable amount is \$19,915.50.

The owners have applied for a loan to refinance their current first mortgage to reduce their monthly payment. There will be no cash out to the owners. The approximate total amount of the new loan would be \$50,050.00. In order to obtain the loan, a subordination of the City's lien is required by the lending institution.

The City's lien is currently in second position and would remain in second position after the new loan. The property has been appraised at \$135,000.00 which is more than the combined encumbrances of the City's lien and the new first mortgage.

20. SUBORDINATE / HOUSING REHAB LIEN: 671 E. Erie Street (Navarrette)

APPROVED subordination of the housing rehabilitation lien on Project #01-1-1 located at 671 E. Erie Street (Navarrette). The single family, owner-occupied home was rehabilitated under the City of Chandler's Housing Rehabilitation Program in 2001. A lien was placed against the property by the City for \$23,990.00 in the form of a 10 year repayable loan whereby the owner repays 25% of the total and the balance is forgiven at the end of the term of the loan. The owners' balance is currently at \$4,798.50 and the forgivable amount is \$17,992.50.

The owners have applied for a loan to refinance their current first mortgage in order to reduce their monthly payments. There will be no cash out to the owners. The approximate total amount of the new loan would be \$50,100.00. In order to obtain the loan, a subordination of the City's lien is required by the lending institution.

The City's lien is currently in second position and would remain in second position after the new loan. The property is currently valued at approximately \$125,000.00 which is more than the combined encumbrances of the City's lien and the new first mortgage.

21. PAYMENT: Arizona Municipal Water Users Association Dues

APPROVED payment of membership dues to the Arizona Municipal Water Users Association in the amount of \$66,319.00 for fiscal year 2003-04. Membership dues are prorated based on population. The Arizona Municipal Water Users Association (AMWUA) is a voluntary non-profit corporation established in 1969 to develop and advocate regional water resource management policies in the interest of its members, their citizens and rate-payers. Chandler has been a member since 1984. The AMWUA Management Board is comprised of the City Managers of each of its member cities and the Board of Directors is comprised of its member Mayors.

AMWUA provides a forum for its member cities to meet and discuss water resource planning, legislation, conservation and management issues. This allows member cities to work together on regional projects such as drought response, groundwater management, groundwater recharge, augmentation, conservation, legislation and the environmental issues affecting the members' water supply.

Member cities also work together to reach consensus and present a united response on state issues affecting them such as assisting the cities in coordinating a water conservation message to respond to the recent drought conditions of the Salt River System and providing comments on the Roosevelt Lake Habitat Conservation Plan and related environmental documents for the endangered South Willow Flycatcher.

22. PAYMENT: Allied Waste Companies

APPROVED payment for quarterly landfill operating contract compaction bonus to Allied Waste Companies in a total amount of \$17,263.00. Under the current landfill operations contract, Allied Waste Companies is required to achieve a base compaction density of 1,800 pounds per cubic yard. The contract includes a penalty/bonus section for compaction density. For every 100 pounds per cubic yard compaction less than the base compaction density the contract achieves during a quarter, a \$.50 per ton penalty will be assessed to the contractor. For every 100 pounds per cubic yard of additional compaction greater than the base, up to a maximum 2000 pounds per cubic yard, the contractor receives a \$.50 per ton bonus. During the last quarter (April, May and June, 2003) Allied Waste Companies achieved 1.939 pounds per cubic yard of compaction. This program, along with other recycling programs, has extended the life of the landfill by eight years.

The Solid Waste Contract Review Committee, consisting of three city residents, reviewed and approved the compaction density report and bonus.

23. COURTS: Baseline Court Collections

CERTIFIED Chandler Municipal Court quarterly baseline collections for Fiscal Year 2002-2003 to the Arizona State Treasurer, as required by ARS §12-116.04 and authorized the Court Administrator to conduct the ongoing quarterly certification on behalf of the City Council and to document the quarterly remittance to the State of Arizona. Submission of this certification to the State Treasurer is due no later than September 1, 2003. Based on the determination of the interpretation of ARS §12-116.04, the Municipal Court affirms these collection amounts for quarters 1 through 4 of Fiscal Year 2002-2003 as indicated below:

Quarter 1:	\$925,353.95
Quarter 2:	\$817,900.07
Quarter 3:	\$916,219.06
Quarter 4:	\$884,254.91
Total Fiscal Year 2002-03:	\$3,543,727.99

ARS §12-116.04, approved during the last legislative session and effective on July 1, 2003, requires each city or town council to certify the level of court collections by quarter for fiscal year 2002-2003. Per legislative definition, "Baseline Court Collections" is defined as the amount collected in filing fees, clerk fees, diversion fees, probation fees, fines, penalties, surcharges, sanctions and forfeitures in each court, but excludes monies collected by the courts for clean elections, child support, restitution or exonerated bonds. The collection amount will be used as a baseline from which to calculate the amount to be remitted from the City to the State of Arizona. For all applicable funds, seventy-five percent (75%) of the total amount above the baseline shall be transmitted to the State Treasurer on a quarterly basis pursuant to the new legislation. As provided by the legislation, the amount paid will be allocated towards the State's cost for state employee health insurance and retirement contribution.

The League of Cities and Towns is currently working to repeal or amend the legislation based on concerns raised by various cities and courts.

In Fiscal Year 2003-2004, and presumably onward absent a "sunset" date, the amount collected above the certified baseline will be subject to the 75% remittance to the State. The baseline collection calculation is based on a best-reasoned interpretation of the statute as

adopted and collaborative court discussions. The legislation, as it currently reads, will seriously impact the City's revenue from the Municipal Court in the future. In essence, 75% of the increased revenue generated would be remitted to the State leaving the City on 25% to pay for any increased costs associated with growth.

24. NOTICE OF INTENTION: Water Rates for Outside City Customers

ADOPTED by motion, a notice of intention to reduce rates for water service to outside City of Chandler customers and set the date for public hearing on this matter for October 9, 2003.

Staff annually updates the Water and Wastewater Financial Planning Model to ensure revenues are adequate to meet the cost of providing service. The Model includes the determination of the differential between in-city and out-of-city rates as the differential is based on additional costs of service. The update indicates the differential for water service should be lowered to 1.6 times the inside City rates from the current 1.8. Since the last formal analysis of the differential, the water system has changed in terms of the capital investment made and how those capital investments have been financed. Greater amounts of lower cost debt have been used to fund water capital investments than were reflected in the previous analysis.

25. SERVICE AGREEMENT: 3M Security Detection Systems

APPROVED a sole source service agreement for one year with 3M for security detection systems, SelfCheck units, discharge workstations and software in Downtown, Hamilton and Sunset branches in an amount of \$34,450.00. 3M produces and maintains exclusive maintenance and service for all the Security Detection and Materials Flow Management System which the Chandler Library uses. This agreement allows unlimited calls for service and troubleshooting at no cost for labor, parts and necessary equipment modification.

26. ENG DESIGN CONTRACT AMD #1: Tumbleweed Park Lift Station

APPROVED Amendment No. 1 to an engineering design contract with Burgess & Niple for the Tumbleweed Park Lift Station, Project No. WW0202-201, in an amount not to exceed \$57,131.00.

A contract was awarded to Burgess & Niple in January 2002 to complete the design for the Tumbleweed Park Lift Station. Since the award of this contract, several changes have occurred in the development of this area which must be addressed in the design of the lift station. These changes have resulted in the need to modify this contract including:

- The City is considering a recreational development in this area. The new scope includes a design concept report and additional surveys and geotechnical analysis of several sites to select a location for the station that works for the needs of the future recreational development, as well as for the wastewater system.
- An analysis of alternative odor control systems, as well as the design of a system specifically to address the needs of this site.
- Design of an emergency power system for improved reliability.
- An analysis of current low flow conditions to a buildout flow of 1,000,000 gallons per day and the design of features into the station to accommodate today's very low flows of approximately 50,000 gallons per day.

27. CONSTRUCTION CONTRACT: Diversified Utility Construction, Inc.

APPROVED a construction contract to Diversified Utility Construction, Inc. for Price Road Streetlight Improvements, Project No. ST0254-401, in an amount not to exceed \$101,565.40. Streetlight improvements are required along Price Road from Queen Creek Road north to the new Arizona Department of Transportation lighting project south of Pecos Road. This project will provide lighting in sections where none exists and enhance lighting levels where illumination does not meet City standards. This project is being completed to correspond with the installation of streetlights by ADOT at the new Santan Freeway and Price Road interchange. The installation of all conduit, wire and J-boxes will be inspected by Salt River Project. Streetlight installations will be inspected by City staff.

28. PURCHASE: Water Meters

APPROVED the purchase of water meters through the City of Peoria contract from Mountain States Pipe and Supply in an amount not to exceed \$1,400,000.00. In July 2000, the City Council approved the use of the City of Peoria contract for the purchase of water meters from Mountain States Pipe and Supply. These meters emit a radio signal allowing staff to read the meters more quickly and efficiently. This radio technology will reduce the need for additional meter reading staff as the City continues to grow. The meters are used in new developments and to replace existing meters. By using the City of Peoria contract, the City of Chandler will save the costs associated with the bid process. The requested amount is for an estimated annual quantity of meters, based on historical usage.

29. SOLE SOURCE PURCHASE: Fire Dept SCBA Upgrade

APPROVED the sole source purchase of equipment and supplies necessary to upgrade the Fire Department's Self Contained Breathing (SCBA) from United Fire Equipment company, in the amount of \$189,774.00. The National Fire Protection Association (NFPA) standard for respiratory protection has changed and requires our Department to upgrade our current breathing apparatus to stay in compliance with the NFPA standard.

A sole source purchase is recommended because United Fire Equipment Company is the only authorized supplier for Mine Safety Appliance Company parts and service in the State of Arizona which includes the Self Contained Breathing Apparatus utilized by the Fire Department. Chandler's negotiated costs include a \$32,000.00 trade in credit for the current cylinders and components.

30. PURCHASE: Water Truck

APPROVED the purchase of a water truck from Five Star Ford, utilizing the State contract, in an amount of \$77,947.88. In fiscal 2003-2004, monies were budgeted to replace a 1985, 2000 gallon water truck used by the Street Division. The truck is 18 years old and has over 100,000 miles. High maintenance, down time, age and mileage are all factors in the replacement decision.

The new truck will be used primarily in the alleys for dust control during maintenance. When alleys are graded, a water truck is required to maintain the County's Dust control Permit requirements to have a water truck on site. The Street Division will also use the water truck to maintain dirt shoulders and temporary roadways when needed.

31. SOLE SOURCE PURCHASE: Communicator Notification System Enhancement

APPROVED the sole source purchase for communicator notification system enhancement from Dialogic Communications Corporation (DCC) in an amount of \$32,215.00. DCC is the sole developer and distributor of the system. The Chandler Police Department currently has an autodialer system from DCC. This system was purchased and installed in 1997. The autodialer system allows CPD to program the system to autodial telephone numbers to provide information to recipients. It is currently used to notify residents of area beat meetings. Our current system is limited in its communication capabilities, is outdated, is at the end of its useful life, and is no longer maintained by the vendor.

The upgraded system will be used to provide crime prevention tips, criminal activity information, various emergency alerts, community meeting notifications, homeland security issues, mass personnel callouts, missing child alerts and senior citizen welfare checks.

A grant was received in the amount of \$32,215.00 to upgrade the current system to the new version from Arizona Department of Public Safety. The grant also includes the complete system upgrade (hardware/software), installation, training and estimated taxes and shipping charges.

32. USE PERMIT: Yucca Springs Assisted Living

APPROVED, as recommended by Staff and the Planning Commission, a Use Permit (UP03-0007), Yucca Springs Assisted Living, for an adult care facility within a single family residence for five residents and two resident caregivers at 674 N. Yucca Street. (Applicant: Ariel Carlos.) The home is located northeast of the NEC of Dobson Road and Galveston Street in a single-family residential subdivision and has been operating as Yucca Springs Assisted Living by right since 2002. The zoning code currently allows adult care homes to operate by right under the definition of family when there are five or less unrelated persons living in the home. The applicant possesses a State issued "directed care" license for four permanent residents and would like to increase the number to 7 permanent residents with two being resident caregivers.

The Arizona Department of Health Services (ADHS) requires 80 square feet of space for an individual bedroom and 120 square feet for a double occupancy room. As of 1998, ADHS no longer allows triple occupancy rooms. The home is 2,196 square feet and based on the square footage of the five bedrooms and space requirements, could accommodate up to eight residents.

The directed care license issued by the ADHS allows the facility to accept ambulatory and non-ambulatory residents. Directed care services includes programs and services provided to persons who are incapable of recognizing danger, summoning assistance, expressing need or making basic care decisions.

This adult care home is in compliance with the ADHS and City of Chandler's requirements and there are no zoning violations or history of issues with the Police Department on record for this residence. This request was also noticed in accordance with the requirements of the Chandler Zoning Code. A Neighborhood Meeting was held May 27, 2003. Two neighbors who attended were in opposition.

Staff has not received any further contact from the neighbors in opposition to the Use Permit.

Approval is contingent on the following conditions:

1. The Use Permit shall be extended for a period of one (1) year, at which time re-application shall be required. The one-year time period shall begin from the date of City Council approval.
2. Compliance with the City of Chandler's Zoning Code provisions with regard to the operation of adult care homes.
3. Property must comply with all applicable Building Codes.
4. Maximum resident capacity of five care residents and two resident caregivers.

33. USE PERMIT: Drivers Corporation

APPROVED, as recommended by Staff and the Planning Commission, a Use Permit (UP03-0017) Drivers Corporation, to continue the operation of an event vehicle rental and resale business within a Planned Industrial (I-1) zoning district at 4143 W. Jupiter Way. (Applicant: Mark Skidmore, Drivers Corp.) A Use Permit was approved in May 2002 to operate an event vehicle rental and resale business in a Planned Industrial (I-1) zoning district within Stellar Airpark. The business is operating in compliance with the Council adopted conditions of approval.

Drivers Corporation is a subsidiary company to Precision Dynamic, Inc. (PDI). Drivers Corp. and PDI are located within the same facility in the Stellar Airpark. Auto manufacturers hire PDI to host training events for sales representatives. PDI provides classroom as well as hands on training for new-model vehicle introductions. The training events take place all over the United States. Drivers Corp. supplies PDI with the vehicles used in these training events. The vehicles are purchased new from local and regional dealers. Once the programs are completed, the vehicles are returned to Drivers Corp. where they are detailed and returned to the rental agency or sold to a wholesaler.

There are two to ten vehicles on site at any one time. The vehicles are stored behind the enclosed 8-foot high masonry wall or within the warehouse. On average, the vehicles are kept at the Chandler location for not more than 5 business days.

The request was noticed according to the provisions of the City of Chandler Zoning Code. Staff has received no telephone calls or letters from neighboring tenants or property owners opposed to this Use Permit.

Approval of this Use Permit is contingent on the following conditions:

1. All vehicle storage, sale and detailing shall occur within the building, or in the screened parking spaces as represented on the site plan.
2. All signage text shall be limited to business name identification only and shall be in conformance with the Chandler Sign Code.
3. Failure to comply with these conditions, upon standard notice issued by the City, will constitute revocation of the Use Permit without further action.
4. The Use Permit is effective for a period of three (3) years from the date of City Council approval. Operation of the business beyond the three-year time period shall require reapplication to and approval by the City.
5. There shall be no on-site retail sales of cars.

34. USE PERMIT EXTENSION: Performance Auto Sales

APPROVED, as recommended by Staff and the Planning Commission, a Use Permit extension (UP03-0021) Performance Auto Sales, to operate an automotive sale and service business in a general industrial (I-1) zoned district at 6700 W. Chicago Street, Suites 6 & 7, Chicago Street Business Park. (Applicant: Mike Koch, Performance Auto Sales.) A Use Permit was approved in October 1998 to operate an automotive sales business within Suite 5 of the Chicago Street Business Park in a General Industrial (I-2) zoning district. A second Use Permit was approved when the business expanded and relocated to Suites 6 and 7. The space contains an office and showroom/work area.

The business evolved to include retail vehicle repair or upgrades, ancillary to the performance of vehicle sales. A one-year Use Permit was approved in April 2002 allowing this type of service. Typical work consists of the sale and installation of street legal accessories and performance parts, as well as basic repair needs. The average number of cars for this type of work is two cars per day and done by appointment only. All vehicle storage and work is performed within the building.

This request was noticed according to the provisions of the City of Chandler Zoning Code. Staff has received no telephone calls or letters from neighboring tenants or property owners opposed to this Use Permit.

Approval of this Use Permit is contingent on the following conditions:

1. All vehicle sales and servicing, including the overnight storage of vehicles awaiting servicing, shall occur within the building.
2. All signage, whose text shall be limited to business name identification only, shall be in conformance with the Chandler Sign Code.
3. Failure to comply with these conditions, upon standard notice issued by the City, will constitute revocation of the Use Permit without further action.
4. The Use Permit is effective for a period of three (3) years from the date of City Council approval. Operations of the business beyond the three-year time period shall require re-application to and approval by the City.

35. USE PERMIT: GEM Microelectronics Materials, L.L.C.

APPROVED, as recommended by Staff and the Planning Commission, a Use Permit (UP03-0023) GEM Microelectronics Materials, L.L.C. for chemical blending and warehousing in an existing I-2 facility located at 6760 W. Chicago Street, west of the NWC of Chicago Street and Beck Avenue. (Applicant: GEM Microelectronic Materials, L.L.C.)

GEM Microelectronic Materials, L.L.C. currently located at 2885 N. Nevada Street in Chandler receives, blends, packages and distributes high purity chemicals to the semiconductor industry. Anticipated business expansion requires moving the operation to a larger site at 6760 W. Chicago Street. Site visits conclude the facility and property are well maintained and in conformance with all applicable codes.

The new location will support bulk storage, processing and dispensing of acid and alkaline chemistries and provisions for future solvent blending. The building will also contain areas for warehousing, research and development and offices.

Acid shipments will be received at the building's northwest corner in a covered area incorporating an emergency spill containment area. The chemicals will be stored in a 7,000-gallon tank inside

the building, also within a spill containment area. Other raw materials will be received in drums or totes and stored in a corrosive chemical warehouse area. There will be a utility area for a wastewater treatment system at the rear of the building including a process scrubber, nitrogen storage tank, air compressors and an emergency generator. All areas will have secondary containment. GEM will not change the nature of the chemicals at their current location as covered in the current Hazardous Materials Management Plan on file with the Chandler Fire Department. The business office will be open from 8 a.m. to 5 p.m. and the manufacturing and warehousing activities will be in operation from 6 a.m. to 11 p.m. five days a week running in two shifts.

This request was notices in accordance with the requirements of the Chandler Zoning Code. Staff has received no telephone calls or letters from neighboring tenants or property owners opposed to this Use Permit.

Approval is contingent on the following conditions:

1. Compliance with the City of Chandler's Fire Department provisions with regard to the Hazard Material Management Plan.
2. Conformance with all exhibits.

36. SPECIAL EVENT LIQUOR LICENSE: East Valley Hispanic Bomberos

APPROVED a Special Event Liquor License for the East Valley Hispanic Bomberos for Copa Budweiser, a men's soccer tournament, on September 6 & 7, 2003 at the Snedigar Sports Complex, 4500 S. Basha Road. The Police Department reports no objections to the issuance of this license. Because the applicant is a non-profit organization, no sales tax license is required; however, the special event liquor license fee has been paid.

37. SPECIAL EVENT LIQUOR LICENSE: Parish of St. Benedict

APPROVED a Special Event Liquor License for the Parish of St. Benedict for their annual Fall Festival fundraiser October 3 & 4, 2003 at 6400 W. Del Rio Street. The Police Department reports no objections to the issuance of this license. Because the applicant is a non-profit organization, no sales tax license is required; however, the special event liquor license fee has been paid.

38. SERIES 12 RESTAURANT LIQUOR LICENSE: Waterfront Grill

APPROVED City of Chandler Series 12 Restaurant Liquor License No. 300000589, for Randy D. Nations, Agent, Fountain Restaurants Inc., dba Waterfront Grill at 1949 W. Ray Road, Suites 11-13 and forwarded approval for State Liquor License No. 12075556. This application reflects a change in ownership which does not require a new Use Permit because it will be a continuation of the location's previous use as Waterfront Grill. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

39. MAP OF DEDICATION: Bogle Farms Water Easement

APPROVED Bogle Farms Water Easement Map of Dedication (FPT03-0016) south of the SEC of Ocotillo and Basha Roads. (Applicant: Bogle Land Investment.) This map creates a public

waterline easement through the Ocotillo Townsite. The waterline is part of an infrastructure upgrade and expansion for the area.

40. On the Action Agenda.

41. On the Action Agenda.

42. On the Action Agenda.

43. CONTRACT: City Attorney

APPROVED the annual contract with City Attorney Dennis O'Neill at a salary of \$141,230.00 for FY 2003-2004. (COUNCILMEMBER WALLACE voted "no" on this item.)

44. On the Action Agenda

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY VICE MAYOR HUGGINS, to approve the Consent Agenda as presented. Motion carried unanimously (7-0).

ACTION AGENDA

40. REZONING: SAN TAN PLAZA PHASE II (WAL-MART SUPERCENTER)

MAYOR DUNN declared a potential conflict of interest in connection with this agenda item and said that for this reason he would turn this matter over to Vice Mayor Huggins. Mayor Dunn left the Council Chambers.

RALPH PEW, 10 West Main Street, Mesa, addressed the Council relative to this agenda item. He said that he is here on behalf of Continental Properties, the applicant, in connection with this rezoning and Case DVR02-0044, SAN TAN PLAZA PHASE II (WAL-MART SUPERCENTER), a request to rezone approximately 23.026 acres from PAD (Residential) to PAD (Commercial) together with Preliminary Development Plan approval for a Wal-Mart Supercenter located on the NWC of Willis Road and Arizona Avenue. (Applicant: Kimberly Grimm, Continental Properties, Inc.) He said that yesterday they delivered to the Staff for their consideration a request that this item be continued to the September 25th meeting and explained that the purpose of that continuance was to allow discussions that had been ongoing between principals of Continental Properties and homeowners within the Alma School Place subdivision to continue.

Mr. Pew said he believes there are people in the audience this evening who want to speak on this issue and who believe that a continuance would not be productive and lead them to the point where they could come back in a month with a solution. He stated that they are requesting the continuance but there are a lot of people here this evening opposed to that and it was not the applicant's intention to present a major inconvenience to them if they do not believe the requested continuance would be productive.

PLANNER II GEIR SVERDRUP stated that Staff does not have an opinion as to whether a continuance would be beneficial but stated that they are prepared to go forward with their

recommendation and present the Staff's and Planning and Zoning's recommendations this evening.

In response to a question from Councilmember Anderson, MR. PEW advised that there have been discussions among principals of Continental Properties, the applicant, and representatives and property owners within the Alma School Place subdivision, the property just west of the proposed rezoning. He said that the discussions have been ongoing and have not, as of this evening, reached any conclusion as to some solution to the difference of opinions between the property owners and the applicant. He added that if the neighbors thought it would be productive, they would like to continue those discussions and if not, they are prepared to talk to the substance of the case.

COUNCILMEMBER BRUNO suggested that before they vote on whether to continue this agenda item, they should allow anyone who had indicated an interest in expressing their remarks to do so at this time.

MICHAEL AGIC, 654 W. Remington Drive, a resident of Alma School Place, said that he is speaking tonight on behalf of a group of Alma School Place homeowners who are unanimously opposed to any further negotiations. He explained that the residents have always been ready to talk but a limit has been reached and it is time to settle this matter. He asked the Council to deny the continuance and settle the case this evening.

In response to a request for input, City Attorney Dennis O'Neill stated that if the Council wants to make a motion to deny the continuance they can, but they do not have to.

VICE MAYOR HUGGINS said that he would like to go ahead and hear the item this evening and make a decision following that process.

MR. SVERDRUP said that the request is to rezone 13 plus acres from PAD residential to PAD large single use retail and to amend 10 acres from the existing PAD Commercial from San Tan Plaza Phase I to large single use retail. He pointed out the boundaries of the property and said that due to non-compliance with the large single use retail ordinance, the Planning Commission and Staff have recommended denial of this application. He noted that the General Plan for this area and the Santan Area Plan designates this location as a commercial mode and therefore that does permit the large single use retail use to be considered at this location. He explained that the whole issue up to this point has been that of land use and said that the large single use retail ordinance is designed to protect adjacent residential properties from uses that are incompatible with a larger use retailer. The larger use retailer requires a minimum separation of 1500 feet from the residentially zoned property to the building of the large single-use retail building. He said that this proposal is approximately 240 feet at this time. He noted that the separation can be waived or modified by the City Council if certain criteria have been met and one of the criteria is accessory buildings or accessory retail space attached to the front wall plane of the large single-use retail to display the separate wall plane from the residential. He noted that in this particular case that situation does not exist.

Mr. Sverdrup stated that the next criteria is excessive greenbelt, not less than 100 feet in width, that has mature landscaping and utilizes walls and terraces to actually reduce the grade of the commercial site six feet from adjacent residential grade. He noted that this site has an extensive greenbelt ranging from 100 to 180 feet in width, is heavily landscaped, however the adjacent grade is approximately four feet higher than the residential grade and the area is used as retention instead of separation. He said that the applicant can also relocate the loading docks so

that they are not facing the adjacent residential and through design, move the rear service drives so there is no access other than pedestrian doors. He added that the loading docks have been relocated away from the residential area but truck traffic has not actually been physically restricted from the adjacent residential properties and the truck maneuvering area has been placed in the northwest corner, which is adjacent to four properties in the Alma School Place subdivision. He stated that one of the other methods would be to completely separate the larger single-use retail building from the adjacent residential with smaller retail buildings but said that this has not been done, it is one large building, 240 feet away from the adjacent residential.

MR. SVERDRUP informed the Council that the site has been heavily reworked over the last several months and the building faces Willis Road and truck driving has been relocated away from the residential but it has not been physically restricted. He said that if a truck driver decides he wants to leave via the adjacent residential area, he can and that is one of the issues Staff has had with this. He added that the site design has been reoriented to take the tire and lube center and the garden center and place them as far away from residential as possible. He noted that they are now located between the Wal-Mart building and the Kohl's building. He stated that this is a new prototype that has been proposed by Wal-Mart and one that has not been seen yet and is 203,000 square feet and proposes a drive-thru pharmacy adjacent to the residential properties. He noted that Staff has a concern that this will increase traffic noise and odor to the adjacent residential as people drive thru to get their prescriptions.

Mr. Sverdrup informed the Council that the architecture has significant articulation and said that they have gone through and taken all of the good elements that they have been working with throughout the processing and incorporated that into the design. He added, however, that he does not feel that it goes far enough to mitigate the separational requirement. He advised that Traffic Staff has reviewed the impact studies for Willis Road and has come to the conclusion that the proposed Willis Road will be able to handle the traffic projected but the neighbors are not satisfied with that study. He explained that there was a request by the Planning and Zoning Commission to investigate what holiday traffic would do to the Willis Road alignment. He reported that with projected traffic, they would see a 42% increase during the holidays. He added that the project does not propose any additional monument signs. He said that the neighborhood has been very active and the applicant has met with the two distinct groups. He stated that the 108th Way residents are very concerned about how the traffic is going to impact their ability to get in and out of their subdivision and they also have concerns with trash pickup and school children pickup. He added that because they are a private drive, neither City trucks or school buses will come into their subdivision. He said that their trash is picked up on the street at Willis Road and their children are also picked up on Willis Road. He commented that there has not been a successful solution to that situation.

Mr. Sverdrup also discussed the residents of Alma School Place and informed the members of the Council that their concern is the location of a large single-use retail building so close to their new homes. He noted that they are not concerned that it is a Wal-Mart or a Home Depot or Lowes, instead they feel that the use is simply too large and will negatively impact their property values. He added that they are also concerned that they will have problems getting in and out of their property since Willis Road is their only access in and out. He reported that the Planning Commission reviewed this case and found that the site was too small, too confined to accommodate the large single-use retail building as designed. He added that they also found that there was not the necessary separation to mitigate the size of the building adjacent to the residential and they were concerned with the lack of screening for the loading docks and with the fact that Willis Road would not be able to handle the amount of traffic that was being requested. He stated that the Planning Commission and Staff recommend denial of this application.

In response to a question from Councilmember Caccamo, Mr. Sverdrup stated that although there are probably other sites that could handle this project, Staff reviewed the application for this particular location since it is the one preferred by the applicant.

MR. PEW said that this case comes before the Council after months of discussion, debate, analysis and design. He added that this is also one of the first cases that falls under the City's new large single use retail ordinance. He said he would like an opportunity to expand upon why he feels the changes to the plan merit their consideration for the waiver of the 1500-foot separation. He stated the opinion that there are ways to mitigate that or provide Council with the ability to see that alternatives have been provided and they can decide whether they have met some of those standards and waive those requirements. He noted that four requirements are listed in the ordinance and one is to have an accessory building with the large single use retailer. He added that what they have always felt about this project is that it is the second phase of the Santan Plaza and that the existing phase constitutes the accessory buildings under the large single-use ordinance. He noted that Staff believes that the accessory buildings need to be attached or connected to the large use building so that they can give a feel that this isn't just a large use standing alone.

Mr. Pew expressed the opinion that the proposal meets that requirement but added that the requirement the plan does not meet is that the large use retail is not separated from the residential community by another building. He emphasized that although they acknowledge that they do not meet that particular requirement, they do meet the other criteria, i.e. the minimum 100 foot setback. He added that the problem with that is when the City wrote the large single use retail ordinance it also required that the 100 feet not be used primarily for retention and that something be done with the elevation so the large single use retail structure would be depressed and therefore the height of it would not be so evident in the community. He stated that for engineering reasons this cannot be accomplished on this particular site and reiterated that they have met the 100-foot separation. Mr. Pew also pointed out that the applicant has moved the loading docks to the rear of the site facing the freeway and has redesigned the site to accomplish that. He stated the opinion that the proposal clearly meets two of the four criteria outlined in the ordinance and noted that the Council has the discretion to determine if those design techniques merit a waiver of the 1500-foot separation. He added the opinion that in this situation a waiver is warranted and asked the Council for their support.

Mr. Pew also stated that the site has been changed so that it backs up to the freeway with loading docks adjacent to the freeway; the oil and automotive uses have been moved to the east end of the project as far away from the project as possible and the same thing is true of the garden center, it has also been moved to that side of the project. He added that the applicant agrees to provide all of the screening that is necessary for the loading docks. He also discussed the issue of traffic and said that this has been a major focal point of discussion with the property owners in the neighborhood. He explained that in this case the applicant is doing something very unusual in that they are agreeing to improve Willis Road all the way from Arizona Avenue to Alma School Road, one mile of total improvements to the roadway except for the area that's already been improved as a result of the Alma School Place subdivision. He added that there have been numerous discussions and comments about traffic and traffic studies and said that he believes the best way to deal with that is simply to state that the analysis from the Traffic Department and Traffic Engineer indicate that the improvements they intend to make to Willis Road are adequate and sufficient for the uses that they propose at this location. He said that they know that this has been a lengthy process and there have been emotions on both sides and it was not their intent to bring up this site and cause the upset that has been caused. He stated that they believe it is a

good site and that it has been designed in such a way as to meet the ordinance if the Council so elects. He respectfully requested their support for the case.

VICE MAYOR HUGGINS stated that a number of citizens have submitted slips to speak on this issue and he would like them to come forward at this time to present their remarks.

MICHAEL AGIC, 654 West Remington Drive, said that he is present to speak on behalf of the Alma School Place homeowners who are unanimously opposed to this project. He thanked the members of the Planning and Zoning Commission for their hard work, communication, assistance and understanding and particularly Mr. Geir Sverdrup who has been a tremendous resource. He noted that the applicant's request does not conform to Ordinance No. 3290. He said that although a clause exists that says if the Council finds this project to be architecturally superior, they could potentially approve the proposal, the Planning and Zoning Commission has clearly stated that the design does not conform to the ordinance and does not present a superior architectural project. He added the opinion that property values will decline if the project is approved and stated the opinion that traffic studies are full of errors and inconsistencies in terms of the methodologies that have been compiled and requested that they deny the request.

STEVE JARDINA, 1812 West Curry Drive, stated that he concurs with the comments made by the previous speaker.

JAMES GODDARD, 651 East Browning Way, also said that he agreed with Mr. Agic's comments.

JAMES BOGASH, 1510 South Velero Place, said he would like to ask purely from a common sense standpoint, whether the members of the Council have ever seen a major supercenter that had most of its access on and off of a two lane road. He said that it just doesn't make any sense and the two-lane road will be their only access in and out of the subdivision as well as 108th Place. He added that if the traffic study was flawed, nothing will be able to be done to correct the situation after the Wal-Mart has gone in since there will not be any room to widen the road.

CHRIS WILSON, Lot 84, Capital Pacific, stated the opinion that government needs to follow it's own rules and regulations and added that the terms of the ordinance should be adhered to. He asked the Council to support the homeowners and protect their property values and safety.

HUMBERTO GONZALEZ, 3131 East Fox Street, agreed with the comments offered by the previous speakers and said that the proposed project is inappropriate for this location.

TROY FULLWOOD, 1342 South Tumbleweed Court, said that in order for the applicant to accomplish his goal, they are asking the Council to rezone a residential community that's already in place, roads, sewer lines, street lights and things of that nature that were agreed upon. designed and built prior to this whole thing coming into play. He added that this has been an "after thought" on the Santan Plaza. He also expressed concerns relative to decreased property values if the project goes forward as well as traffic and access concerns. He also spoke of an incident in June where there was a house fire in their subdivision and commented on the problems the Fire Department had trying to get to their subdivision down Willis Road with the traffic that generated.

TOM MCVAY, 4000 North Central, #2100, stated that he represents Victoria Kratheim who is preparing to move into Alma School Place as soon as her home is completed. He pointed out that the large single use retail ordinance was adopted by this Council in October of 2001 and the premise of that ordinance is that there must be a distance of 1500 feet between any large building

over 15,000 square feet and the nearest residence. He noted that in this particular case the developer has approximately 250 feet between their 200,000 square foot retail store and the nearest home. He added that it is their contention that with such a situation the large single use retail ordinance is completely eviscerated and pointed out that Staff and the Planning and Zoning Commission has made the determination that this just does not fit. He asked that the ordinance be upheld and the request be denied.

STEVE SPRACALE, 1272 W. Winchester Way, a resident in the area said that he doesn't believe anyone opposes Wal-Mart, but the residents are concerned about traffic and street size and resulting negative impacts on their neighborhood. He stated the opinion that a perfect location for a Wal-Mart would be Pecos and Arizona Avenue. He asked them to abide by the recommendations of the Planning and Zoning Commission and Staff and deny the request.

ROBERT KRAUTHEIM, 250 E. Chicago Street, a soon to be resident of Alma School Place, read a prepared statement. He said that when he purchased his home in February of this year he was aware of Ordinance #3290 and added that in accordance with the terms of that ordinance, the current proposal should not be allowed to be built. He noted that one-third of his neighborhood would have to be bulldozed for the proposed Wal-Mart and Willis to be shoehorned into that small lot. He added that when he purchased his property he was never told that this was a possibility. He said he hopes that the Council recognizes that allowing this project to go forward would not be harmonious to the neighborhood and that there are far better sites that are still available in the City. He requested that they deny the zoning request.

VICE MAYOR HUGGINS stated he had several comment cards indicating opposition to the project. He read off the names: Michael Ostermeyer; Laura Lambson; Rob Armstrong; Brett Aussburger; Donna Wilson; and Lloyd Wilson.

Vice Mayor Huggins thanked all of the speakers for their comments.

COUNCILMEMBER BRUNO said that she believed one of the speakers had indicated that WalMart located in lower income areas and Ms. Bruno stated that she did not agree with that statement and commented that this was not the issue tonight. She also relayed the problems the problems that had occurred with the appropriate disclaimer notification to the nearby homeowners. She also commented that she had witnessed the fire that one of the speakers mentioned and that access, traffic and congestion were a big concern. She said that the additional traffic, in her opinion, would create more problems for the area despite the improvements that Wal-Mart has pledged to make. She added that the 1500-foot separation is also an issue and although she would really like to see a Super Wal-Mart in Chandler, she also wants to make sure that it is located in the right place. She added that she does not believe that the current location is appropriate for a store of this size.

COUNCILMEMBER WALLACE said that although they may not always agree with the different points of view because the Council's responsibility is to look at the big picture, the projects are always better when the citizens are involved.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER WESTBROOKS, that the rezoning request for DVT02-0044, San Tan Plaza Phase II (Wal-Mart Supercenter) be denied.

COUNCILMEMBER ANDERSON stated that he was disappointed to even see this case on the agenda and said he does not view it as a serious proposal. He added that he is sorry that the

applicant has not listened to the City's Development Staff and Planning and Zoning Commission. He emphasized the importance of abiding by the ordinances that are adopted by the Council and remaining consistent in their decisions. He added that although he hopes to see a Wal-Mart in the City of Chandler, this particular project is not appropriate for that location.

MOTION CARRIED UNANIMOUSLY by those members present (6 to 0) (Mayor Dunn declaring a potential conflict of interest)

VICE MAYOR HUGGINS recessed the meeting at 8:30 p.m. and the Mayor reconvened it at 8:50 p.m. and announced that a power failure had occurred disrupting service to the City Complex including the Council Chambers and it was not likely that the power would be restored soon. It was recommended that the remainder of the agenda items be continued to a Special Council Meeting next week.

MOVED BY MAYOR DUNN, SECONDED BY COUNCILMEMBER WALLACE, that the remainder of the agenda items listed below (Items 41, 42, 44, and the Public Hearing) be continued to a Special Council Meeting on Tuesday, September 2, 2003 at 5:30 p.m.

MOTION CARRIED UNANIMOUSLY (7 TO 0).

41. PRELIMINARY DEVELOPMENT PLAN: BIAGIO (VILLAGE AT WILDTREE

42. USE PERMIT: CREATIVE CARING

44. STAFF BRIEFING: Tentative Settlement with Jack in the Box

PUBLIC HEARING:

PH1. SYSTEM DEVELOPMENT UPDATE

Adjournment: The meeting was adjourned at approximately 8:50 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 28th day of August, 2003. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of _____, 2003.

City Clerk

MINUTES OF THE SPECIAL COUNCIL MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library, 22 S. Delaware, on Tuesday, September 2, 2003, at 5:30 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

Also in attendance:

Pat McDermott	Acting City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Nachie Marquez, Garrett Newland, Laurie Stevens, Dave Siegel, Doug Ballard, Bryan Patterson.

MAYOR DUNN announced that due to a blackout that occurred during the Thursday, August 28, 2003 Regular Council Meeting, the meeting was adjourned and the following items were continued to this Special Council Meeting.

ACTION AGENDA

41. PRELIMINARY DEVELOPMENT PLAN: BIAGIO (VILLAGE AT WILDTREE)

Principal Planner BOB WEWORSKI provided a brief overview of agenda item PDP03-0014 BIAGIO (VILLAGE AT WILDTREE) and explained that the applicant is requesting an amendment to the Preliminary Development Plan for a commercial and residential development located on the NEC of Rural Road and Chandler Boulevard. (Applicant: Schirmer Ball Company.) Mr. Weworski noted that this case was approved in 2001 for an innovative mixed-use village concept development to include retail and office related commercial buildings along with 201 apartments. He referred to slides displayed in the Council Chambers and noted that the Wildtree subdivision is located directly to the north and east of this site. He added that the project also featured a "hybrid" building, which featured a retail component on the first floor level with residential units above. He added that the entire project was very pedestrian oriented and highlighted Tuscan architecture. A variety of tower elements, courtyards, arches, covered walkways and window shutters also provide a warm character that invites pedestrians to experience the different elements throughout the center.

Mr. Weworski informed the Council that the case was continued by the Planning Commission and referred to their Design Review Committee to further discuss design issues related to the building architecture and site improvements. As a result, improvements have been made to the project, particularly the architectural enhancements for the condominiums. He noted, however, that the applicant is not in full agreement with some of the stipulations that are being proposed and wants

to make some minor changes and enhancements to the project. He discussed the extensive process that has taken place between the applicant, Staff and neighbors and said many positive results were achieved as a result of all the interaction. He referred to the Council's report on this item and said that it contains stipulations developed by the Planning and Zoning Commission in addition to a list of stipulations recommended by Staff.

Mr. Weworski began by discussing the multi-family development and said that originally this was approved for a total of 200 apartment units. He noted the fact that residents of the Wildtree subdivision were opposed to the apartment component of this project. He said that part of it was 21 units above the commercial development and the rest was 179 apartment units. He added that the applicant successfully attempted to provide a combination of one, two and three-story apartment buildings and that helped with the impact on the neighborhood. He reported that they are now requesting that they be allowed to change the plan from apartments to for sale condominiums and noted that as far as Staff is concerned, the proposed quality of the units is extremely high. He stated that the units would be limited to one and two-story condominiums with two car garages and will also feature some of the Tuscan architecture that was approved for the apartments. He reported that Staff, the members of the Planning Commission and the neighbors are in agreement that this is a very viable solution. He said that the only condition that was added at the Planning Commission meeting was to incorporate some stone features on the buildings and the solution was to place that on the Clubhouse Building. The Planning Commission felt that the stone work should be on the Clubhouse Building and that they should also incorporate some features on the other commercial buildings as well in highlighted places. He said that Staff felt this could be achieved by doing the Clubhouse Building and incorporating some stone elements on some of the screen walls along Chandler Boulevard and Rural Road and so two sets of stipulations have been developed, Staff's Stipulation #2 for the Clubhouse Building and the walls and the Planning Commission included Staff's Stipulation #2 but added Stipulation #7 which is to include stone work on the facades of the retail buildings. He reported that the applicant would like to put the stone on the Clubhouse only.

Mr. Weworski also addressed the pharmacy building and said that it originally was an Osco at the corner intersection, was configured in a partially landscaped setting and also featured Tuscan architecture features. He advised that the applicant is changing it from an Osco to an Eckerd drug store and there are some differences as far as what they want to do. He said that they are not featuring a landscaped setting but are retaining the Tuscan architecture features, characterized very strongly with the different roof pitches, awnings, etc. He stated that everyone was in agreement with this proposal except for one issue, the signage, or what is called the sign modifiers for the building. He explained that besides the name of the store, signs such as "drive through pharmacy," "food mart," and "1-hr. photo," are being proposed for the building facades. He said that the Walgreen's pharmacy located across the street includes sign modifiers such as "drive-through pharmacy" and "1-hr. photo." He noted that the Planning Commission is proposing Stipulation #3 that eliminates the sign modifiers so that the signage is consistent with the original Osco pharmacy that included only the "Osco" building sign and "drive-through pharmacy" sign at the drive through canopy. He added that Staff believes that the sign modifiers should remain on the building if they are properly located on the building facades. He explained that currently the sign modifiers are located at the portion of the building corner that is oriented toward the street intersection and said that as a solution, Staff is proposing through Stipulation #3 that the sign modifiers proposed along the street frontage be moved away from the intersection corner. He stated that the applicant feels very strongly that it is important to keep the Eckerd signs where they are.

Mr. Weworski discussed the office component and said what the applicant was originally proposing and what was approved was Tuscan architecture. He said the site has not changed whatsoever as far as how the buildings are configured in a landscaped setting. He noted that there are five office buildings. He explained that the applicant is proposing to add two additional small monument signs, 5-feet in height, for the office buildings along Chandler Boulevard to allow for tenant identification. He said that the Planning Commission is proposing Stipulation #8 to provide additional design elements at the office buildings, such as trellis features and pedestrian access to tie the buildings together. He stated that the applicant feels very strongly that the simple architectural design is more appropriate than adding features on the building. He referred to pictures of a small garden office development that the applicant has already developed and noted the attractiveness and quality of the project. He added that Staff concurs that the architecture should remain as originally proposed. He noted that the neighbors agree with the Commission's recommendation that the architecture should be enhanced a little more.

Mr. Weworski also commented on the phasing of the project and said that the applicant would be required to provide their phasing schedule and develop according to Code. He said that the only difference that the applicant is requesting from Staff and the Commission to some degree is that the wall along Rita Lane (the portion along the condominium complex) be constructed when the condominiums are developed. He reported that after talking with the neighbors, they felt very strongly that when construction occurs on the site that the wall be constructed as part of Phase 1 to serve as a barrier between construction traffic, the site and the neighborhood itself. He stated that the Planning and Zoning Commission developed a Stipulation that allows the perimeter wall along Rita Lane to be developed within two years after the start of construction or with the development of the condominiums, whichever comes first. He added that Staff does not believe that their stipulation will satisfy the neighbors' concerns and is recommending a stipulation that requires the perimeter wall treatment and landscaping along Rita Lane to be constructed as part of the first phase of construction. He stated that the applicant agrees with the Commission in that they need more time, there are some issues related to the condominium builder as opposed to the retailer builder going in first. He added that the neighbors agree with Staff in that they want to see some protection between this site and the neighborhood itself. He said that plans have been submitted for permits and the developer is very anxious to move forward with this project.

Mr. Weworski stated that Staff believes some of the proposed changes represent positive enhancements and the neighbors support the changes for the most part and they will speak to that tonight. He said the Planning Commission unanimously supports the project subject to their stipulations and Staff also recommends approval subject to the stipulations they have proposed.

Mayor Dunn thanked Mr. Weworski for his briefing and said that it appears that everyone agrees that the project should go forward but there are differences to be worked out in terms of the details. Mr. Weworski confirmed that the Mayor's statement was correct.

In response to questions and comments from Vice Mayor Huggins relative to the importance of adequate signage to achieve business and leasing success, Mr. Weworski stated that a lot of the decisions that are made have much to do with the quality of the architecture and how the signs play into that as far as balance that is achieved as a result. He added the other part to be considered is visibility and ensuring that the public is able to see who is occupying those buildings. He said that a lot had to do with the proportions of the signs to the facades of the buildings' spaces.

VICE MAYOR HUGGINS discussed difficulties he has experienced in locating businesses because of the limited signage and questioned how much tax dollars are being lost as a result of this.

MR. BALLARD said that the City tries to achieve a delicate balance in this area and noted that some communities are extremely liberal in their signage and that does not contribute necessarily to a feeling of quality. He added that their goal is to balance quality with visibility and noted that they have compared Chandler's sign regulations with those of neighboring communities and the City is pretty much on par with them, sometimes a little more liberal and sometimes a little more strict. He stated that in this particular case they do not feel very strongly about the sign modifiers since there is a competitor across the street which has that type of signage and the building itself is outstanding.

COUNCILMEMBER WALLACE agreed with the Vice Mayor's comments and said it is an equity issue since the store across the street has sign modifiers. She added that it is important to help the business achieve success.

MAYOR DUNN said that this is something that the City should look at periodically although he believes that the current sign code is fair.

COUNCILMEMBER ANDERSON commented on Stipulation #2 as recommended by Staff (The applicant shall work with staff to provide stone features on the clubhouse building and selected segments along the arterial street parking screen walls) and said he believes the project is stunning as it currently exists. He expressed concern that the project would not happen if minor changes such as this occur due to increased costs.

MAYOR DUNN requested that the applicant come forward and present his comments at this time.

REED BUTLER, 1014 North 2nd Street, Phoenix, the owner of Butler Housing Company, said he is present on behalf of Scott Schirmer. Mr. Butler said that in the past he had the opportunity to work with Chandler Staff and Councilmembers and found it to be a very rewarding experience. He said he would like to provide some brief information on Starpoint Properties, the condominium developer, and stated that this will be his fifth project with them. He commented on the company's commitment to quality and excellent reputation.

Mr. Butler agreed that the consensus is that the project should go forward but some details remain to be worked out. He said that Mr. Schirmer asked him, from the applicant's side, to draw their attention to Staff's stipulations, which would be their preference, to accept the approval recommendation with Stipulation #1. He added that they do not support Stipulation #2 or Stipulation #3. He agreed with Stipulation #4 and #5 and said that on Stipulation #6 their preference would be the Planning and Zoning's stipulation. He added that in talking to Marguerite Munkachy, she may have a different position on Stipulation #6. He said that it has been a privilege to work with the neighborhood, particularly Marguerite Munkachy. He added that as a result of all the cooperative effort and discussion, the project was much improved.

MAYOR DUNN said he appreciates the dialogue Mr. Butler and the applicant has had with the neighborhood and said he believes that is always a positive step in reaching a successful negotiation. He spoke in support of the decrease in the density levels and the change from rental to ownership.

MARGUERITE MUNKACHY, 4819 W. Flint Street, stated that she is a resident of the Wildtree subdivision that abuts this property at the northeast corner of Rural and Chandler Boulevard and said that she also represents the Wildtree Coalition which originally objected vehemently to the building of apartments at that corner. She said that she is here representing the neighborhood again to voice their support of the proposed changes. She stated that the residents are very pleased with the proposed changes because the project goes from apartments for rent to condominiums for sale and represents a great addition to the neighborhood. She commented on the fact that there are no three-story buildings and the single story buildings remain on the outer perimeter. Ms. Munkachy said that they have designed some very attractive units and the layout of the condominium development will provide a terrific transition into the single-family development of Wildtree. She added that it is their understanding that the applicant still plans to build some additional condominiums above the retail space instead of apartments and spoke in support of the attached garages. She emphasized that the residents of Wildtree agree with Staff's Stipulation, not the Planning and Zoning Commission's, that the perimeter wall along Rita, not necessarily the whole perimeter wall, but the one that goes along Rita, be erected as soon as any construction begins to help cut down on construction traffic and to enhance the safety of the children.

Ms. Munkachy stated the opinion that the proposed Eckerd Drug Store, instead of Osco, will be a welcome addition to the area and said that they have reviewed their plans and find them very attractive and in keeping with the Tuscany look. She addressed Vice Mayor Huggins relative to his concerns and said that they have looked at the designs and although Staff has asked to move the modifiers, they certainly agree and understand the concerns relative to other competing entities in the area. She added that because Eckerd's design has a very stepped roofline, it's not straight but very linear, they believe having some of their modifiers will not present a huge problem. She ended by saying that the residents of Wildtree are very anxious to see this corner developed but with careful, thoughtful planning that will enhance the area. She stated the current proposal represents a much-improved project.

In response to a question from Councilmember Anderson relative to Stipulation #2 and the stone features, and whether the absence of this would be a "deal breaker," MS. MUNKACHY stated that the neighbors do not consider this issue to be a "deal breaker" but they have seen other developments with accents, not whole stone walls, and they did add to the area. She added that they would not like to see at this point what appears to be a very prime project fall apart because of this one issue.

Vice Mayor Huggins, along with Councilmembers' Wallace and Anderson thanked Ms. Munkachy for all her work with the developer, her neighborhood involvement and overall interest in the community and thanked the developer as well for his efforts.

MAYOR DUNN stated that Bob Munkachy has submitted a slip in support of the project but does not wish to speak at this time.

MOVED BY COUNCILMEMBER ANDERSON, SECONDED BY VICE MAYOR HUGGINS, that PDP03-0014, BIAGIO (VILLAGE AT WILDTREE) be approved, subject to Staff Stipulations #1, #4, #5 and #6 (with Stipulations #2 and #3 removed).

COUNCILMEMBER WALLACE said that in talking with Mr. Schirmer, it was her understanding that Stipulation #3 was not a problem because it simply involved a shift. She stated that she would like to amend the motion to allow Stipulation #3 to remain as a condition of approval.

In response to a request for input from the Mayor, MR. BUTLER referred to photos displayed in the Council Chambers and advised that Eckerd's has asked that the modifiers remain in place due to the competition that exists in the area as well as the challenge that would be presented in placing the signs around the sides of the texture. He also noted that the signage is blue and not the standard red that is seen on most buildings.

Councilmember Wallace withdrew her amendment.

COUNCILMEMBER WESTBROOKS said that he is happy that this project is now coming forward and thanked Mr. Butler and Ms. Munkachy for their efforts. He asked how soon the project will be started and when completion is anticipated.

MR. BUTLER responded that the condominium development will begin in approximately eight months and said that the Eckerd drug store will probably begin in about four to five months and will take about eight months to build. He added that the condominium project will take approximately 15 to 16 months to complete and the entire project should be completed within two to three years.

In response to a question from the Mayor, MR. BUTLER stated that he is unsure at this time whether the offices will be condos but noted that there is a trend in the marketplace for office condos.

COUNCILMEMBER CACCAMO asked what the problem was with moving the sign modifiers out and Mr. Butler indicated that Eckerd would lose signage capacity and it would not allow them to compete on a fair playing field in the area.

COUNCILMEMBER WALLACE commented on Stipulation #6 and said that she agrees with the neighborhood in terms of the importance of the wall for safety, security and the protection of the neighborhood.

THE MOTION CARRIED UNANIMOUSLY (7 TO 0).

Mayor Dunn thanked everyone involved for their efforts to reach a successful conclusion.

42. USE PERMIT: CREATIVE CARING

Planner 1 ASHLEY BAILEY, addressed the Council relative to UP03-0009 CREATIVE CARING, a request for Use Permit for a Residential Child Care Facility within a single family residence located at 2608 West McNair Street. (Applicant: Teresa Lynn Bagdol.) Ms. Bailey stated that per the Council's request, the application was continued to allow Staff to perform an additional site inspection. She said that such an inspection was performed on the morning of August 21st and added that the Arizona Department of Health Services (ADHS) was not present at the site inspection. She advised that ADHS has stated that the application was invalid and returned to the applicant since without a valid application they will not perform site inspections. She noted that ADHS stated the use, as requested, does not meet their guidelines for a residential childcare group home and should be applied for as a commercial facility. She noted that Creative Caring is located at 2608 West McNair Street and the applicant also owns the adjacent home at 2616 West McNair Street. She advised that the applicant has given testimony that both homes are used simultaneously and the applicant would like to provide childcare for five children at 2608 West McNair Street.

Ms. Bailey informed the Council that the Residential Childcare ordinance under which the application is being considered does not address the scope of this application. She referred to a previous case that was denied by the Council. In that case, the home was purchased by the applicant for the purpose for providing in home daycare. She explained that in home daycare must be an accessory use to the primary use. She explained that the original intent of this application was to operate a childcare facility out of a house at 2608 West McNair Street. She said that although the applicant states both homes are now used simultaneously as one home, the application facts and original intent do not comply with the ordinance. She emphasized that in-home childcare must be an accessory use to the primary use. She stated that Staff conducted a site inspection and saw no evidence of the home solely being used as a principal dwelling unit, and it is set up to accommodate the childcare business. She added that Staff also visited the adjacent house and it is set up in the typical manner of a principal dwelling unit. Ms. Bailey stated that Staff finds the proposed use to be commercial in nature and they, along with the Planning Commission, recommend denial.

In response to a question from Councilmember Bruno, MS. BAILEY advised that the applicant is able to take care of up to four children without the issuance of a Use Permit or State licensing.

MR. BALLARD clarified that that presumes that it is taking place in their primary residence and that is the distinction in this case.

MAYOR DUNN asked whether any neighborhood complaints have been received regarding the application and Ms. Bailey advised that they have not. She added that the request for the Use Permit was noticed to residences within 300 feet in accordance with the requirements as outlined in the Zoning Code.

COUNCILMEMBER WESTBROOKS said that the issue is whether 2608 West McNair Street is the primary residence of the applicant and they know that it was not the primary residence prior to finding out about the City ordinance and process. He asked if now that it appears to be their primary residence, whether that has impacted Staff's decision in any way.

MS. BAILEY responded that Staff still recommends denial based on the fact that it is more commercial in nature and it is still not their primary residence.

COUNCILMEMBER ANDERSON commented on the fact that this case involves one family living in two residences and MS. BAILEY explained that Staff has observed that the proposed childcare home is a three bedroom residence and both of the secondary bedrooms have been converted into indoor play areas, not leaving room for the rest of the family to live in that home.

In response to a question from Councilmember Bruno, MS. BAILEY stated that if the Use Permit is denied, the applicant would still be allowed to care for up to four children without having to obtain a State license. She added that if the applicant wished to expand to five children or ten, she would need to apply for a Use Permit stating that they live in one home or both homes and it would be advertised as such.

MR. BALLARD clarified that they can have up to four children in the home as a matter of right but the question is whether that is the home. He added that the original application was to go up to ten children and it is his understanding that the current application is to go up to five and she currently has four. He noted that if the principle use of the property is established, i.e. it is in fact a single-family home, then the applicant could have up to four without applying for anything. He

commented that this is admittedly a tough judgement call but Staff believes it is not in keeping with the ordinance.

COUNCILMEMBER WESTBROOKS said that he visited the home and agreed that the way it is set up is a very gray area.

MR. BALLARD added that if the Council finds that the home is their principal residence, they can continue without a use permit with four children but if they wanted to add more than four, they would have to apply.

MAYOR DUNN commented on the importance of remaining consistent in matters such as this but noted that every application will be a little different. He commented on the lack of neighborhood opposition surrounding this case.

COUNCILMEMBER WALLACE stated that she and Councilmember Bruno also visited the home and commented that it was an excellent environment. She described the modifications that have been made to the home and said the house is very much set up for daycare. She said that the problem she has is the precedent that would be set if this is approved and said that they do have options if the request is denied, namely stay with the four children limit or reapply and advise the neighbors of what they are intending to do and it would be advertised and they would go through the permit process.

TERESA BAGDOL, the applicant in this case, thanked the members of the Council who visited her homes to personally inspect the premises. She said that she was aware of the fact that she was allowed to take care of up to four children but only wanted the ability to increase that number to five. She emphasized the importance good childcare facilities play within a community and asked the Council to consider that. She said that they have had the support, time and energy of their neighbors.

FRANK BAGDOL, 2608 West McNair, said that some of their neighbors are present this evening and would like to speak to the Council.

TIM KELLER, staff attorney at the Institute for Justice, Arizona Chapter, a non-profit public interest law firm, stated that he is present to speak in support of Teresa Bagdol's request for a Use Permit and asked who decides when an individual's house is also their home. He stated that he believes the answer to that is the individual who lives in the house on a daily basis. He added that he knows some members of the Council are worried about setting the wrong precedent but said that would not be the case because the home that the Bagdol's are claiming is their primary residence is in fact their primary residence. He noted that they cook and eat all of their meals at 2608 West McNair, that is the place where all their laundry and ironing is done, and in fact the home at 2616 doesn't even have a washer or dryer in it. He added that Teresa and Frank sleep at 2608 West McNair and on weekends they entertain guests at that same address. He pointed out that the mortgage on 2608 West McNair lists that house as the Bagdol's primary residence while the 2616 home is listed as income property. He emphasized that the Bagdol's are utilizing both homes as a single residence and stated the opinion that there is no reason to reject their contention that the residence at 2608 is the family's "downstairs" while the residence at 2616 is the family's "upstairs." He indicated his intention to pass out, at the conclusion of his remarks, petitions signed by neighbors in support of the request and commented that they provide a much needed, quality service to the community.

VICE MAYOR HUGGINS clarified Mr. Keller's remark that 2616 is listed as income property. Mr. Keller responded that since 2608 was the primary residence, 2616 had to be listed as such.

In response to questions from Councilmember Bruno, MS. BAILEY clarified that the application before them (5 children) would require a state license.

MR. BALLARD clarified for Mr. Caccamo that Council has several different options. If Council is satisfied with 2608 W. McNair being the primary residence the applicant could have up to 4 children with any further action by Council. He added if the request was granted for five, then the applicant would need a Use Permit or if the Council found this was not a primary residence as envisioned by the Ordinance, a denial may be appropriate.

MAYOR DUNN asked if the Council were to grant a Use Permit what would Staff's recommendation be as to the duration of the Use Permit. MR. BALLARD responded that if the Council decided to grant a Use Permit because of the circumstances surrounding this case, they could issue it for a period of 12 months and also ask for Staff inspections to take place with reports being presented to the Council.

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY COUNCILMEMBER WALLACE, to approve Use Permit UP03-0009 CREATIVE CARING for up to five children for a one-year period of time and that Staff perform inspections and report their findings to the Council within that one year timeframe.

COUNCILMEMBER WALLACE asked what the time frame was for the inspections and was told that it would be within the year. COUNCILMEMBER BRUNO indicated that she would prefer that an interim report be submitted at six months. Councilmember Wallace indicated support for that suggestion.

NICOLE WATAKAY, 1303 West Indigo Drive, a parent of one of the children that the Bagdol's take care of said that when you deal with children, policies and procedures might not be the best course of action. She commented on the excellent quality care her child receives and urged the Council to base their decision on the needs and long term effects on the children.

In response to a question from Mayor Dunn, MS. BAILEY stated that she would contact the State and find out how long the process takes to obtain a commercial license.

COUNCILMEMBER WESTBROOKS asked whether the motion maker would consider amending the motion to state that Staff would conduct quarterly unannounced visits. Councilmember Bruno said that she was comfortable with the motion as it currently stands.

MOVED BY COUNCILMEMBER WESTBROOKS to amend the motion to state that Staff would make quarterly unannounced visits during the twelve month period of time. COUNCILMEMBER WALLACE seconded the motion.

Mayor Dunn asked the Council to vote on the motion to amend.

MOTION CARRIED BY MAJORITY (4-3) with Vice Mayor Huggins and Councilmembers' Anderson and Bruno voting Nay.

COUNCILMEMBER WALLACE clarified that the applicant would not have to seek State approval unless they decided to increase to 5 children.

Mayor Dunn requested that the Council vote on the main motion as amended

MOTION CARRIED BY MAJORITY VOTE (6 TO 1) with Councilmember Caccamo voting Nay.

44. STAFF BRIEFING: Tentative Settlement with Jack in the Box

MAYOR DUNN thanked everyone who was involved in the process of bringing this tentative settlement with Jack In The Box forward and said that he believes the result will benefit all of the parties involved. He said he appreciates the fact that representatives from Jack In The Box and the City Attorney recommended that they look at alternatives other than prolonged litigation in an effort to arrive at a mutually acceptable agreement. He said that the tentative settlement is of benefit to both Jack In The Box and the City and he is confident that they will successfully finalize the settlement. He added that it is important to remember that this is a tentative approval and the details of the settlement still need to be put together. He thanked the members of the Council for their input and prior Mayor and current Senator Jay Tibshraeny for encouraging the meetings and being involved in the process. He stated the opinion that the results of everyone's efforts is a "win-win-win" situation for Jack In The Box, for Site 7 involving Benton Robb and for the City of Chandler.

In response to a request from the Mayor, City Attorney DENNIS O'NEILL provided a brief overview of the terms of the tentative settlement that have been worked out to date. Mr. O'Neill reminded the Council of the importance of the area (Site 7) and explained that this represents the core of downtown development. He said that a number of private small businessmen have made significant investments in the downtown over the last several years and as part of the downtown development everyone recognizes the need for some major successful projects to occur in the downtown to be able to sustain those small businesses that made investments in that area. He stated that they anticipate that Site 7 will be the first of those major developments in the downtown and added that they believe they have come up with a "win-win-win" situation for Jack In The Box, Benton Robb and the City of Chandler. He commented that typically this would be a complicated settlement because of all the parties involved and the need for zoning changes. He added that due to the litigation and significant expenses that would have to be incurred over the next couple of months during that litigation, once a concept was arrived at that all the parties were agreeable to, it was decided that it should be brought to Council and the litigation should be delayed, so that time and resources could be focused on finalizing a settlement agreement that will come back to Council.

Mr. O'Neill explained that the basic parameters of the tentative agreement are Jack In The Box would be deeded the site at the northeast corner of Buffalo Street and Arizona Avenue and a new restaurant would be built at that site and be incorporated into the Benton Robb project. He said that Jack In The Box recognizes that incorporating into the project will be more expensive than building a typical Jack In The Box. He added that the City would be deeded the current Jack In The Box site, which would become part of the Benton Robb commercial development. He pointed out that the City has funds set aside for the Benton Robb project to purchase all or a major portion of these properties. He reported that as part of the settlement, the City would contribute \$500,000 towards the construction of the new Jack In The Box on the corner of Buffalo Street and Arizona Avenue. He said that Jack In the Box would remain in their current location

until the new restaurant is constructed thereby avoiding closing down their business for any period of time. He added that the City will need to amend its agreement with Benton Robb and said while they need to work on the details of that amendment as well as the details of the settlement, Benton Robb is in agreement with the concept.

Mr. O'Neill stated that they will stay the litigation for six months so that they can finalize the agreements and said that the Council will have the opportunity to review the new Jack In The Box design when it is finalized. He added that the advantages include avoiding delays that would have been experienced as a result of ongoing litigation and could last for years and eliminating the uncertainty that is associated with any litigation. He added that it leaves acquisition money that was set aside in the Benton Robb agreement that could contribute towards the purchase of the property on the southeast corner of Arizona Avenue and Chandler Boulevard. He also stated that the relocation of the Jack In The Box creates the potential to assemble a more developable commercial parcel while allowing a new Jack In the Box to remain in the downtown area. He noted that it also brings additional redevelopment money to the downtown from Jack In The Box. Mr. O'Neill recommended that the Council approve the tentative settlement agreement so that work can continue to work on finalizing the agreement for future Council review and consideration.

In response to a question from the Vice Mayor, MR. O'NEILL responded that he does not believe that the City has not been unfair to any party involved in this process. He added that the amounts paid have been fair in every occurrence. He said that this property and this settlement represents a unique situation because it also requires a substantial investment on the part of Jack In The Box.

COUNCILMEMBER ANDERSON thanked Mr. O'Neill and his Staff, the Mayor and Senator Tibshraeny for all of their efforts in this matter.

MR. O'NEILL also thanked the City Manager's Office, Garrett Newland and Jack in the Box for their assistance.

In response to a question from Councilmember Westbrook, MR. O'NEILL stated that the Jack In The Box will have a drive through but the design will be reviewed and will require approval. Councilmember Westbrook also thanked everyone for their hard work.

It was moved by COUNCILMEMBER WESTBROOKS, SECONDED BY COUNCILMEMBER ANDERSON, that the tentative settlement with Jack In The Box be approved.

MAYOR DUNN noted that all of the final details will be brought back before the Council for consideration and action.

COUNCILMEMBER BRUNO said that at first she was not in favor of keeping Jack In The Box because she did not believe the business was a good corporate partner in downtown Chandler. She said she hopes that with the new building and support that they have received from the City that they will step up to the plate and contribute to the community as other businesses do. She thanked Staff and Senator Tibshraeny for their hard work.

COUNCILMEMBER WALLACE concurred with Councilmember Bruno's remarks and said that one of the concerns she had involved the other businesses that had been purchased and relocated and the equity issue and she believes that the City Attorney responded to that well in

terms of the financial investment that Jack In The Box is going to be making. She agreed with the importance of Jack In The Box giving back to the community.

The motion CARRIED UNANIMOUSLY (7 TO 0).

PUBLIC HEARING:

PH1. SYSTEM DEVELOPMENT FEE UPDATE

Mayor Dunn declared the public hearing open at 7:40 p.m.

Assistant Public Works Director/City Engineer BETH HUNING provided the Council with a brief overview of this issue. She stated that Staff is requesting approval to update the System Development Fees and explained that as part of that process, they are required to hold a public hearing. She explained that a cost of living increase occurs every other year and in the opposing years they hire consultants to review the methodology, the costs, and update them based on the costs that the City is actually experiencing at the time. She said that this year's update reflects the consultant's update and the information was presented to the Council at a prior Study Session. She advised that they have met with the Homebuilders' Association in June, a public meeting was held at the Hamilton Library on July 30th, tonight is the public hearing and Staff intends to introduce the ordinance at the first Council meeting in September and the second read at the second meeting in September. She added that the fees would become effective January 1, 2004.

Ms. Huning noted that one of the major differences they saw this year is that they were able to get a little closer look at build-out and new planning projections were developed which show that the home portion of Chandler will be building out within the next 5 to 7 years, which brings it up in time. She added that they also saw a slightly lower population due to the lower densities that are going on in southeast Chandler, which resulted in some changes in the fees themselves and also in some of the infrastructure that they were looking at. She noted that the City collects eleven different fees and referred to slides depicting the current and proposed fees as well as the percent of change. She advised that they also compared Chandler's fees to other cities for both single and multi-family residences and reported that the City falls in the middle of the range.

COUNCILMEMBER WESTBROOKS thanked staff for their hard work and stressed the importance of ensuring that growth pays for itself in order to sustain the quality of life in Chandler.

MAYOR DUNN said that he is grateful that the City adopted these fees as early as they did because it takes time to generate enough money to go out and build the necessary infrastructure and amenities that citizens demand as the City grows. He added that this update is one of the more critical ones because of the issue of build-out since ultimately the impact fees are going to go away. He stated that this is one of the issues that will be discussed during the Council's October retreat.

MAYOR DUNN said that he has received requests to speak from a couple of people and asked them to present their remarks at this time.

BIL BRUNO, 481 West Half Moon Way, stated that Chandler is one of the fastest growing cities in the country but said that this is not a fact that everyone is proud of. He said he does appreciate the residential development and impact fees that Chandler charges but believes that they are much too low, even with the proposed increases. He referred to comments made by the Mayor in

the Ocotillo News and said he hopes they continue to study this and increase fees and issue more frequent updates. Mr. Bruno said that because of growth the citizens have to pay for new fire trucks and apparatus, suits, gear, emergency equipment, police cars, information technology, meter reader trucks, etc. and said that these costs should be covered by the fees paid by the developers as well as costs associated with the widening of streets.

MAYOR DUNN clarified that this will not be the City's last fee adjustment, although may be one of the most important and although the Council is not aiming to have the highest fees in the Valley, they certainly want them to be comprehensive and sufficient to meet the demands of growth.

MS. HUNING stated that of the 14 other cities that were looked at, only 4 apply arterial street fees in any other way besides Chandler.

ERIN PATTERSON, representing the Homebuilders' Association of Central Arizona, 3200 East Camelback, Phoenix said she believes that it is important that development does pay their fair share for costs associated with growth. She added that an important balance needs to be achieved so that fees are not so high that they stifle growth in Chandler and limit the City's ability to grow to the point where it would like to be. She said that she would like to highlight some of their major concerns and stated that she has written a detailed letter to Staff and she hopes to continue working with them to work through some of the questions and concerns.

Ms. Patterson said that regarding the water and wastewater fees, there is a significant increase in many of the proposed fees and one of the major concerns with the inflationary adjustment component and so when any fees are proposed to increase 40 or 44%, that is a major issue of concern. She stated that they have asked questions regarding the community parks which is also proposed to increase 46% and the methodology and where the impact fee balances are going. She said that she has also raised questions and has concerns regarding arterial street fees. She thanked the Council for the opportunity to address them and reiterated her intention to work with Staff on the various issues and concerns.

MAYOR DUNN recognized the letters received from the Homebuilders and from DeRito Partners, Inc. COUNCILMEMBER WALLACE advised that the City Manager has stated that the Council will receive copies of the responses to both letters that have been received regarding the proposed fees.

In response to a question from Vice Mayor Huggins, MR. MCDERMOTT responded that the impact fees go specifically towards designated capital improvements such as police and fire capital improvements and water capital improvements. He explained that in the past funding for those capital improvements have come from probably one of two sources, either the developer paid for the infrastructure improvements when they put in a particular development such as street lighting or bond issues were approved to allow certain improvements in the City to occur. He added that another method is improvement districts and said that a lot of improvements have been made in the past as a result of the improvement districts. He noted that everything else relating to the operation of a particular department has either been paid for out of sales tax, State shared revenues that come back to the City or grants. He emphasized that sales tax and State shared revenues are the two things that have allowed the City to provide those services over the years. He pointed out that the City of Chandler has not utilized a property tax, particularly for operating, very extensively at all.

COUNCILMEMBER WESTBROOKS agreed with Mr. Bruno's comments relative to the need for more frequent updates to ensure that the needs are being met and growth costs are being

covered. He commented on the fact that growth is continuing to occur in the City of Chandler and the development fees have not negatively impacted the growth. He stressed the importance of remaining up to date on impact fees as well as other issues that impact the City. He requested a clarification on the legal limits on impact fees and whether they can be used for some of the items that Mr. Bruno discussed.

MR. O'NEILL stated that basically impact fees can be used for long-term capital facilities such as streets, sewer plants, City halls but as far as equipment and police cars, short term everyone pays for those. He added that he believes it is what the Vice Mayor alluded to, is that you buy into the capital facilities through impact fees. He stated that as far as the ongoing operations, everybody pays for that on a yearly basis through sales tax. He added that you can charge impact fees for the long-term capital projects but not for ongoing revenues.

COUNCILMEMBER WALLACE said that every year the City goes out for a bond issue to do a number of improvements and projects in the City. She said that the City have been very good at maintaining property taxes without an increase but the City is continuing to pay for the improvements as they are made through bond issues.

THE MAYOR stated that as Chandler grows as a City with quality it increases the appreciated value of the property and it is a balancing act. He added that even with the impact fees citizens are still coming to the City and want to live here. He noted that the projected population of the City has decreased through the residential development standards and decisions by the Council to lessen the density of the City. He emphasized that this has had a direct impact in controlling the amount of growth and Chandler will wind up being a smaller City, 16% less than was originally anticipated, but that is a good thing as well.

There being no other speakers wishing to comment on this item, Mayor Dunn declared the public hearing closed at 8:05 p.m.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

Mayor Dunn said that a great event took place this past Saturday, the Chandler National Little League All Stars Parade and Ceremony. He thanked Staff for their excellent work in putting it together and thanked the community for its support. He also expressed appreciation to the members of the Council, the Governor and other dignitaries who attended the event as well as City partners the Chandler School District and the Chamber of Commerce.

The Mayor announced that the deadline for Special events Funding Applications is this Friday, September 5th. He said if you are a non-profit organization with an upcoming special event applications to the City to receive up to \$5,000 in assistance is due that day. He added that funding awards for this fiscal year (through June 2004) will be announced later this month.

Mayor Dunn stated that the Maricopa Association of Governments (MAG) is seeking public comment on the Draft Regional Transportation Plan. He noted that the Plan will be presented in a public meeting tomorrow evening from 5 to 7 p.m. in the Mesa Centennial Center, 263 North Center Street, in Mesa.

The Mayor thanked ADOT for agreeing to build the noise walls on the Santan Freeway between Dobson and Alma School Roads at the original heights. He thanked everyone for their involvement in this important issue.

B. Councilmembers' Announcements:

Councilmember Bruno thanked members of staff and everyone else involved for their efforts at the Little League celebration and parade. She said it was truly a community event.

Vice Mayor Huggins commended the Mayor for his leadership relative to issues, such as the rubberized asphalt and the sound walls that have been solved involving ADOT. The Mayor said that other members of the Council were also involved and thanked them as well for bringing the issue forward and their continuing support.

C. City Manager's Announcement:

There were no City Manager's announcements at this time.

Adjournment: The meeting was adjourned at approximately 8:10 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the City Council of Chandler, Arizona, held on the 2nd day of September, 2003. I further certify that the meeting was duly called and held and that a quorum was present.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, September 11, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:	Boyd Dunn	Mayor
	Lowell Huggins	Vice Mayor
	Dean Anderson	Councilmember
	Patti Bruno	Councilmember
	Bob Caccamo	Councilmember
	Phillip Westbrooks	Councilmember

Council Absent & Excused:	Donna Wallace	Councilmember
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Also in attendance:	Pat McDermott	Acting City Manager
	Rich Dlugas	Assistant City Manager
	Dennis O'Neill	City Attorney
	Marla Paddock	City Clerk

Staff present: Nachie Marquez, Chief Roxburgh, Patricia Walker, Dave Siegel, Doug Ballard, Acting Chief Neuman, Bryan Patterson

PRESENTATION OF COLORS:

The Chandler Police Department Honor Guard posted the colors followed by a moment of silence in remembrance of the September 11 bombing of the World Trade Towers in 2001.

INVOCATION:

Rob McLeod, City of Chandler Fire Battalion Chief, gave the invocation

PLEDGE OF ALLEGIANCE:

Rob McLeod, City of Chandler Fire Battalion Chief led the Pledge of Allegiance.

MAYOR DUNN commented that he spoke with some young people at a local academy about what it means to be an American. It was gratifying to see the expressions of care and curiosity as patriotism in America was discussed. Police, fire and military personnel were also in attendance. He came away with pride at having been elected to serve Chandler and to be able to make an impact on the future of the youth. Chandler continues to display great character and determination when asked to meet a challenge. Time has healed many wounds of the emotional and physical images of 9/11, but we must never allow the memories to fade.

SCHEDULED PUBLIC APPEARANCES:

1. Proclamation – Southwest Ambulance

MAYOR DUNN asked Scott Long, Chief Operating Officer for Southwest Ambulance, and Fire Chief Roxburgh to join him at the podium. Southwest Ambulance has donated a modified ambulance to the City of Chandler for use by the Citizen's Emergency Response Team (CERT). The ambulance has been painted and equipped to match the ambulances in the Fire Department fleet. THE MAYOR read a proclamation proclaiming September 11, 2003 as Southwest Ambulance Partnership Day.

2. Proclamation – Native American Recognition Day

MAYOR DUNN introduced the Gila River Community Governor Richard P. Narcia and Gila River Lt. Governor Mary Thomas and read a proclamation proclaiming September 19, 2003 as Native American Recognition Day to recognize the contributions that Native Americans have made and continue to make to our society.

Governor Narcia thanked the City of Chandler and the City Council on behalf of the Gila River Indian Community and all Native Americans for this recognition, which contributes to the good will and good neighbor policy established by the City of Chandler.

3. Proclamation - National Hispanic Heritage Month

THE MAYOR asked Human Relations Commission Chair Arif Kazmi and Mary Polanco-Gerlach, Chair of the Hispanic Heritage Month Planning Committee to join him as he read a proclamation designating September 13 – October 13, 2003 as Hispanic Heritage Month in Chandler. The Hispanic Heritage Month Planning Committee, comprised of citizens, members of the Human Relations Commission, City staff, students, staff and faculty from Chandler-Gilbert Community College, ICAN, and Sylma Hispanic Advertising has been working hard to coordinate the month-long events. Those events include the Mariachi Festival, Saturday, September 13th at the Center for the Arts, the poster contest for youth, the opening of the Hispanic Photo Exhibit on September 19 at the Vision Gallery, a book reading and signing September 29 at the downtown library, the Mano a Mano City Education Fare on October 4 at the downtown library and the Latino Film Night on October 3 featuring Latino actress Elizabeth Pena. The Mayor also thanked the members of the Human Relations Commission and residents for their time and efforts in planning these month-long events.

Ms. Polanco-Gerlach also expressed her thanks to the community participants in the photo exhibit and biographies and hoped that this will become an annual event.

4. Hispanic Heritage Month Poster Contest Winners

MAYOR DUNN announced that he would be presenting awards to the top winners of the 2003 Hispanic Heritage Month poster contest. The theme of the contest was "Our Heroes" and artists were asked to depict their heroes with a focus on those traditions that reflect Hispanic Heritage. He thanked the students who participated, teachers and youth workers for their encouragement. He also recognized Trinity Donovan with ICAN and Eric Faulhaber of the Vision Gallery for their assistance.

Communications Director Nachie Marquez introduced the following Honorable Mention winners: Erik Acedo, Neomi Carreno, Samar Castro, Elizabeth Diaz, Stephanie Do, Markel Henderson, Jessika Hoffman, Josh Ice, Joseph Juarez, Bree McCullar, Brittany Mohning, Griselda Montes, Alex Rivera, Jalyn Schollmeyer and Chistiana Soto. The students each came forward with their artwork for a group photo with the Mayor.

MS. MARQUEZ next introduced 4th place winner Madison Younger, Hartford Elementary; 3rd place, Christina Pedro, Chandler City Youth Program; 2nd place Abigail Pacheco, Chandler City Youth Program; 1st place Anthony Ray, Chandler City Youth Program and Best of Show winner Luisiana Valenzuela, Chandler City Youth Program.

5. Special Presentation by Taser International to Officer Brian Lutt

MAYOR DUNN asked Rick Smith, CEO of Taser International, Officer Brian Lutt and Acting Chief Dave Neuman to join him up front. Mr. Smith pointed out that because of the foresight of this Council in purchasing the tasers, we are able to be here presenting this award. The presentation of the Medal of John H. Cover Medal of Non-Lethal Heroism is being made to Officer Brian Lutt for heroism while serving the Chandler Police Department. On May 20, 2002, Officer Lutt and other officers were called to the scene of a domestic disturbance. A man and his mother were in an apartment where the son was armed with a knife and threatening to cut his own throat. The suspect lowered the knife from his throat and advanced on the officers. Officer Lutt took this opportunity to deploy his taser to subdue the subject. The suspect was incapacitated and taken into custody without injury. All officers credited Officer Lutt's quick response in avoiding a lethal force situation. His actions exemplify the hope of all law enforcement officers to intervene in a violent situation without having to use lethal force. Chief Neuman recognized Officer Eddie Cuthbertson who was also present at this incident providing lethal cover for Officer Lutt for using great restraint in not firing his firearm.

COUNCILMEMBER ANDERSON thanked Council and Staff for their diligence in obtaining these tasers for use by our police officers.

VICE-MAYOR HUGGINS commended Taser International for designing a weapon for use by police officers to protect themselves.

UNSCHEDULED PUBLIC APPEARANCES:

There were no unscheduled public appearances.

CONSENT:

Mr. Shawn Coleman, 21837 S. 140th Street addressed the Council regarding Item No. 5 (Planned Area Development, Old Stone Ranch) and asked it be placed on the Action agenda.

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY VICE-MAYOR HUGGINS, to approve the Consent Agenda as presented with the exception of item #5 which was moved to the action agenda. Motion passed unanimously (6-0).

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Special Meetings of August 25 & 28 and September 2, 2003 and the Council Meeting of August 28, 2003.

2. POWER EASEMENT: SRP

Ord. #3480

ADOPTED Ordinance No. 3480 granting a no cost power distribution easement to Salt River Project (SRP) to provide power to the 800 MHz radio tower for the digital radio system, located at the Fire Training Facility, west of Dobson Road and south of Queen Creek Road.

3. NO BUILD COVENANT

Ord. #3486

ADOPTED Ordinance No. 3486 authorizing a no build covenant for the City parcel at 230 and 236 S. Arizona Avenue.

4. No Item.

5. PLANNED AREA DEVELOPMENT: Old Stone Ranch

Ord. #3488

MOVED to the Action Agenda at the request of an adjacent property owner.

6. CITY CODE AMENDMENT: System Development Fees

Ord. #3489

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3489 amending Section 38-13 of the Chandler City Code to update System Development Fees. The City began assessing System Development Fees on January 21, 1997. City Code requires that these fees be updated annually. Every two years, the City hires a consultant to review the fees to reflect current demographic and financial data. For the interim years, a cost of living adjustment is made with the last one being made in March 2002. The proposed adjustment is based on the maximum allowable fees outlined in the consultant reports and scheduled to go into effect January 1, 2004.

A presentation was made at a special Homebuilder Association meeting on June 23, 2003 to allow community input and discussion. A public meeting was advertised and held on July 30, 2003 at Hamilton Library, the Advance Notice of Intent was published announcing the time and place of a public hearing on August 28, 2003 and press releases were sent to all local media contacts.

7. CONTRACT / FOURTEENTH IGA: Gila River Adjudication

Res. #3683

ADOPTED Resolution No. 3683 approving a contract for legal services and Fourteenth Intergovernmental Agreement Among the Cities of Chandler, Glendale, Mesa and Scottsdale Relating to Joint Representation in the Gila River Adjudication by Engleman Berger, P.C. Mr. William Anger has represented the Cities of Chandler, Glendale, Mesa and Scottsdale for several years in the Gila River Adjudication. The Adjudication Court has recently ordered briefings and hearings regarding the Court's determination of the legal distinction between surface water and groundwater requiring dedication of significant time by Mr. Anger and the Cities' staffs.

The Cities involved wish to extend the contract for the period of September 8, 2003 to January 7, 2005. The contract amount for legal fees is a maximum of \$120,000.00 and an additional

maximum of \$10,000.00 for expert fees. The Cities have determined that these fees shall be divided as follows for legal fees: Glendale, 25%; Mesa, 25%; Scottsdale, 35% and Chandler, 15%. The expert fees (up to \$10,000.00 maximum) shall be split equally among the four Cities. Chandler's share, a maximum of \$20,500.00, will be funded by the Water Operation Fund.

8. PRELIMINARY DEVELOPMENT PLAN: Monterey Vista Village

CONTINUED to October 9, 2003, a Preliminary Development Plan (PDP03-0018) for Monterey Vista Village for a commercial development on approximately 14.4 acres within a PAD zoning district for property located at the NWC of Pecos and McQueen Roads. (Applicant: Susan Stewart, L.E.A.D.S. Inc.).

9. PRELIMINARY DEVELOPMENT PLAN: Essco Wholesale Electric

APPROVED a Preliminary Development Plan (PDP03-0021) for Essco Wholesale Electric, for an industrial building located at 175 E. Palomino Drive, lot 14 of the Westech Corporate Center. (Applicant: John Mahoney Architect.) The site is proposed for an industrial building with office and warehouse.

The project will use buried retention structures under parking lots. Parking lot access is provided on the northwest with driveways off of Palomino Drive and Delaware Court on the southeastern corner. Parking spaces flank the structure's west and south sides and concrete sidewalks provide walkways to each of the three entrances. A six-foot high masonry wall with decorative steel gates encloses parking. The building's design quality and architectural treatments surpass recently constructed industrial buildings in the area.

Planning Commission and Staff, finding consistency with the General Plan and PAD zoning, recommend approval contingent on the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2858, in case PL98-0020 Westech PAD.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Essco Wholesale Electric" kept on file in the City of Chandler Current Planning Division, in file number PDP03-0021, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.

10. DOWNTOWN IMPROVEMENT FUND: La Stalla Cucina Rustica, LLC

APPROVED a matching grant in an amount not to exceed \$35,000.00 to La Stalla Cucina Rustica, LLC for tenant improvements at 68 W. Buffalo Street. The City has created the Downtown Improvement Fund (DIF) for the purpose of encouraging investment in Historic Downtown Chandler by viable retail and restaurant businesses that will generate employment and complement the current business mix. This grant will be used to reimburse the property or business owner for up to \$35,000.00 or half of the costs, whichever is less, associated with the necessary improvements to renovate the space for an Italian restaurant in the Downtown Improvement Fund Target Area. Reimbursement to the owner will be made upon completion of the project, receipt of Certificate of Occupancy and confirmation by staff of tenant improvement costs to meet the requirements of the DIF program.

The property will undergo significant tenant improvements that will include extending the storefront to permanently include the current patio space, installation of seating booths along the west wall and opening the space by removing the separation wall in between the west and east sides of the restaurant. Total estimated costs for the improvements are \$251, 200.00.

11. ARCHITECTURAL EXCELLENCE AWARD RECOMMENDATIONS

APPROVED the following recommendations by the Architectural Excellence Award Committee to receive the 2003 awards at the October 21, 2003 awards event:

➤ Casa Paloma	7131 W. Ray Road
➤ Falls At Ocotillo	1025-1095 W. Queen Creek
➤ LA Fitness	2100 N. Dobson Road
➤ Chandler Pavilions North – Lowe's	7230 W. Ray Road
➤ Harley-Davidson of Chandler	6895 W. Chandler Blvd.
➤ Mobil-On-The-Run	295 S. Arizona Ave.
➤ Chandler Regional Hospital	475 S. Dobson Rd.
➤ Charles Schwab	2121 S. Price Rd.
➤ Advanced Medical Plaza	725 S. Dobson Rd.
➤ Milky Way Hangar	4148 W. Milky Way
➤ El Zocalos	28 S. San Marcos Place
➤ Chandler Fashion Center	Chandler Blvd and Loop 101
➤ Ocotillo Clubhouse	3751 S. Clubhouse Drive
➤ St. Andrew's Catholic Church	3450 W. Ray Rd.
➤ Fire Station #6	911 N. Jackson St.
➤ Chandler High School	350 N. Arizona Ave.
➤ McCormick Systems	149 W. Boston St.
➤ Chandler/Kokopelli Breezeway	45 W. Boston St.

The Committee bylaws establish seven possible categories of projects and two levels of awards, Excellence and Merit, and allow the Committee to choose up to three other categories for awards. A Benchmark category was created this year because the Committee felt it important to recognize the projects that received certificates of occupancy before 2002 and are true representations of superior design quality. Other categories include Commercial Retail, Commercial Office, Industrial, Public/Semi-Public, Redevelopment and Open Space.

12. PROFESSIONAL SERVICES AGREEMENTS

APPROVED Professional Services agreements for one year with the option to extend for two additional one-year periods in a total amount not to exceed \$900,000.00 to the following vendors: Building Plan Review Services to Stantec, GP Engineering, BJV Southwest and Willdan; Civil Plan Review Services to Stantec, Jeffers & Associates, Willdan and Morrison Majerle; and Building Inspections for Model Codes & Life Safety Compliance to Willdan, GP Engineering and Stantec.

13. AGREEMENTS: Library Materials

APPROVED agreements for Library Materials to Baker & Taylor (library books) in an amount not to exceed \$700,000.00 and AEC One Stop Group (audio visual materials) in an amount not to exceed \$90,000.00.

14. BOARD & COMMISSION APPOINTMENTS

APPROVED the following Board & Commission appointments as recommended:

- | | |
|--|------------------|
| ➤ Board of Adjustment | Eli Sunshine |
| ➤ Cultural Foundation Management Board | Robert Haws |
| ➤ Human Relations Commission | Edward Clavell |
| ➤ Parks & Recreation Board | Steven Bjornstad |
| ➤ Planning & Zoning Commission | Shiela Schmidt |

15. ALIGNMENT: 56th Street and Chandler Boulevard

APPROVED alignment for three right turn lanes at the intersection of 56th Street and Chandler Boulevard to accommodate the necessary right-of-way acquisition for the 56th Street and Chandler Boulevard design. Estimated costs for the improvements are \$361,000.00.

16. ALIGNMENT: Geronimo Street Expansion (existing to 79th Street)

APPROVED alignment for the Geronimo Street Expansion (existing to 79th Street) to accommodate necessary right-of-way acquisition. The Geronimo Street expansion consists of designing and constructing a new two-lane roadway from east of south Stellar Parkway to 79th Street. The alignment is south of Stellar Airpark Estates and Stellar Airpark, and north of the Santan Freeway right-of-way. Staff has coordinated with the Federal Aviation Administration to ensure that Geronimo Street does not interfere with Stellar Airpark flight operations. The construction of this project also includes previously dedicated right-of-way, acquisition of two parcels from Stellar Airpark and an easement from ADOT. Estimated construction costs are \$574,000.00.

17. DESIGN BUILD CONTRACT: West Chandler Park

APPROVED a design build contract to Valley Rain Construction for West Chandler Park and 24" Waterline Extension, Project No. PR0130-410, in an amount not to exceed \$3,070,000.00. The West Chandler Park is on the NWC of Kyrene and Frye Roads and is being leased from the Tempe Union School District. Six acres were used to construct the West Chandler Aquatic Facility and the balance designated for lighted youth/adult multi-use fields and associated amenities. The ground lease, executed in 1998 with the Tempe Union School District, provides an

initial forty year term with an option to extend for an additional 25 years. When completely developed, this site will serve as Chandler's fifth community park. This contract will provide for the design revisions and construction of the proposed West Chandler Park and a 24" Waterline Extension to connect the Roosevelt Water Production Facility to the Kyrene Road transmission main.

18. ENGINEERING SERVICES CONTRACT: Design of Germann Road Improvements

APPROVED an engineering services contract, Construction Manager At Risk (CM@R), to Burgess and Niple Engineers for the design of Germann Road Improvements and Water Transmission Mains, Project No. ST0329-202, in an amount not to exceed \$890,668.00.

This project is being brought forward in accordance with the City's responsibilities as outlined in the development agreement between the City of Chandler and Vestar Arizona XXXVII, L.L.C. approved on August 7, 2003. Construction Manager at Risk (CM@R) is the delivery method for this project. This engineer designer will work as a team member with the City and the Contractor. A separate contract will be issued at a later date for the Construction Manager at Risk pre-construction services.

19. CONTRACT: Asphalt Acrylic Seal Coat

APPROVED a contract for one year, with an option for four one-year extensions, for Asphalt Acrylic Seal Coat on asphalt roadways to Arrid Zone Engineering, Inc. in an amount not to exceed \$289,500.00. Acrylic seal coat is one of the resealing techniques used as part of the City's annual Capital Improvement Program for street maintenance to protect the surface and seal smaller cracks to extend the life of the pavement. This contract is for approximately 120 lane-miles of roadway identified by the Street Division's Pavement Management Program.

20. CONTRACT FUNDING: Metal Refuse Containers

APPROVED funding for a contract for the purchase of metal refuse containers with Rocky Mountain Welding in an amount not to exceed \$102,000.00. Chandler annually replaces damaged alley containers, lids and lid stops. It is estimated that 300 replacement containers, 300 lid replacement kits and 300 lid stop kits will be required this year. The contract prices are \$265.00 per container, \$46.80 per lid replacement kit and \$9.00 per lid stop kit.

In April of 2000, Council awarded a contract for the purchase of metal refuse containers. The contract was awarded for a one-year period with provisions to extend up to four additional one-year periods. The contract has been extended through April 30, 2004. However, funding was only approved through fiscal year 2002/03. The additional amount provides funding for the remaining 10 months of the contract. The original contract price remains unchanged.

21. REJECT BIDS: Renovation of Metal Refuse Containers

REJECTED all bids for renovation of metal refuse containers (SW4-014-2025). There were three responses to the bid to provide required maintenance for the City's supply of metal alley refuse containers. Two of the responses, submitted by RJM Waste and Arizona Correctional Industries, did not offer to pick up and relocate containers as required by the specification. The third bid, submitted by Skyline Builders and Restoration, was responsive to the specification but their bid for renovation of a container was higher than the cost of a new container. Therefore, Staff

recommends rejection of all bids and is considering alternatives in an effort to achieve lower prices.

22. CONTRACT: Fire Rescue Tools and Equipment

APPROVED contracts for fire rescue tools and equipment with First In, Inc. in an amount of \$31,472.23; L. N. Curtis and Sons in an amount of \$8,997.12 and United Rentals in an amount of \$10,821.46 for a total amount of \$51,290.81. This purchase will provide new replacement equipment for outdated equipment that has become too expensive to maintain and is less reliable.

23. REJECT BID: Chandler Fashion Center Transit Station

REJECTED the one bid received for the construction of the Chandler Fashion Center Transit Station, Project No. ST0237-401. The new Chandler Fashion Center Transit Station will be located on a site dedicated by Westcor that currently has utilities stubbed and two bus pullouts constructed. The transit station design accommodates the independent arrival of four transit buses, including two 60-foot articulated buses. The transit station will serve transit users going to the mall and to the commercial area south of the mall. It will also support transit service on Chandler Boulevard and future service expansion along a north-south corridor. The station will feature covered passenger shelters, landscaping, bench seating, lighting, pedestrian pathways, and other fixtures and amenities. The transit station was budgeted in the CIP program for the 2001-2002 fiscal year. The only bid received was 34% over the engineer's estimate and Staff recommends rejecting the bid.

24. PURCHASE: Pick Up Truck

APPROVED the purchase of one pick up truck, utilizing the State contract, from Five Star Ford in an amount of \$32,243.91. This purchase will replace a 1999 Suburban Command Response Vehicle with high mileage and an extensive repair history currently used by the Fire Department.

25. PURCHASE: Medical/Safety Supplies

APPROVED the purchase of medical/safety supplies, utilizing the City of Tempe contract, from Arizona Glove & Safety and Western Glove & Safety in an amount not to exceed \$55,000.00. The City of Chandler was involved in the bid process used by the City of Tempe including the evaluation of vendors. Combining both entities' requirements in one solicitation resulted in reduced pricing. The use of Tempe's contract eliminates the cost of going out to bid and reduces the lead-time in obtaining the products.

26. PURCHASE: Fire Arms Training Simulator

APPROVED sole source purchase of a Fire Arms Training Simulator upgrade from Fire Arms Training Systems, Inc. (FATS, Inc.) in an amount of \$81,004.00. The current equipment is technologically outdated and in need of significant repair. The Arizona Police Officer Standards and Training Board, which certifies all Police Officers in the State of Arizona, requires at least one document judgment qualification shoot per year which is accomplished by the use of this equipment. This upgraded system has updated technology allowing for additional training and proper examination in the proper uses of various methods used by officers as well as an authoring station where scenarios can be created utilizing real locations within the City of Chandler making training more realistic and current. A live fire screen will also allow officers to

utilize their issued weapons during training providing real recoil, muzzle flash and intensity to the training.

Negotiated costs include a \$5,000.00 trade in discount for some of the current equipment, a \$3,186.76 discount, and include installation and training.

27. USE PERMIT: Del Sol Mercado Y Carniceria

APPROVED a Use Permit (UP03-0016) Del Sol MercadoY Carniceria, Series 10 Liquor License, to sell liquor (beer and wine) for off-premise consumption only at a grocery store and meat market at 101 W. Frye Road. (Applicant: Francisco J. Mota). A Use Permit was approved in September 2002 to operate a grocery store and meat market within the Medium-Density Residential zoning district. The building has been occupied by retail uses since construction in 1946.

This request was noticed according to the provisions of the City of Chandler Zoning Code. Staff was approached by two neighbors after the Planning Commission meeting held on August 20, 2003, in opposition to the Use Permit. They expressed concern with the existing businesses selling liquor in the vicinity, the problem of alcohol consumption in the neighborhood and the potential increase in trash and loitering around their properties.

Upon finding consistency with the General Plan, Planning Commission and Staff recommend approval of the Use Permit contingent on the following conditions:

1. The Use Permit is for a Series 10 license only and any change in type of license shall require reapplication and new Use Permit approval.
2. The Use Permit is not transferable to any other store location.
3. Expansion beyond the approved floor plan shall void the Use Permit and require new Use Permit application and approval.

28. LIQUOR LICENSE: Del sol Mercado Y Carniceria, Inc.

APPROVED a Series 10 Beer and Wine Store liquor license application (Chandler #300000584) for Jose Sanchez, Agent, Del Sol Mercado Y Carniceria, Inc. dba Del Sol Mercado Y Carniceria at 101 W. Frye Road. Recommendation for approval of State Liquor License No. 10074596 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

29. USE PERMIT: The Keg Steakhouse & Bar

APPROVED a Use Permit (UP03-0032) The Keg Steakhouse & Bar, for a Series 12 Restaurant License to sell liquor for on-premise consumption only within a new restaurant at 3065 W. Chandler Boulevard. (Applicant: GHA Architecture/Development; Owner: Westcor.)

The restaurant is located at the SWC of Chandler Boulevard and Price Road within the Chandler Fashion Center with an estimated seating capacity of 244 persons, including 60 seats on the patio. The patio will be enclosed with 36-inch tall guardrails and ADA compatible gates. They anticipate opening in the Fall 2003 and will operate Monday through Thursday from 4 p.m. to midnight; 4 p.m. to 1 a.m. Friday and Saturday and 4 p.m. to 11 p.m. Sunday. The Use Permit will be used in association with a Series 12 liquor license.

This request was noticed in accordance with the requirements of the Chandler Zoning Code and Staff has received no telephone calls or letters in opposition to this Use Permit.

Upon finding the request to be consistent with the General Plan, Planning Commission and Staff recommend approval of the Use Permit contingent on the following conditions:

1. The Use Permit is for a Series 12 license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

30. LIQUOR LICENSE: The Keg Steakhouse

APPROVED a Series 12 Restaurant Liquor License application (Chandler #300000587) for David James Campbell, Agent, Keg Restaurants Arizona, Inc., dba The Keg Steakhouse and Bar located at 3065 W. Chandler Boulevard. Recommendation for approval of State Liquor License No. 12075571 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

31. USE PERMIT: La Azteca

APPROVED a Use Permit (UP03-0030) La Azteca, for a Series 10 Beer and Wine License for off-premise consumption only within an existing grocery store at 444 E. Chandler Boulevard, Ste. 4. (Applicant: Carmen Gonzales.) The grocery store has been in operation since January 1996 and is open Monday through Sunday 8 a.m. until 9 p.m. The request was noticed in accordance with the requirements of the Chandler Zoning Code and Staff has received one telephone call from a resident in opposition.

Upon finding the request to be consistent with the General Plan, Planning Commission and Staff recommend approval of the Use Permit contingent on the following conditions:

1. The Use Permit is for a Series 10 liquor license only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

32. LIQUOR LICENSE: La Azteca

APPROVED a Series 10 Beer and Wine Store Liquor License application (Chandler #300000594) for Maria Carmen Salaz Gonzales, Agent, La Azteca, at 444 E. Chandler Blvd. #4. Recommendation for approval of State Liquor License No. 10074597 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

33. LIQUOR LICENSE: Regal Beagle Sports Lounge

CONTINUED to October 9, 2003, request for approval of a Series 12 Liquor License application for Cory David TerEick, Agent, CDT Phoenix, L.L.C., dba Regal Beagle Sports Lounge at 6045 W. Chandler Boulevard, Suite A-7. The continuance is requested to allow the applicant time to complete the requirements for a new Use Permit.

34. USE PERMIT: CVS/Pharmacy

APPROVED a Use Permit (UP03-0031) CVS/Pharmacy, for a Series 10 Beer and Wine License for off-premise consumption only at a new pharmacy. The building is currently under construction and is located at the NEC of Dobson and Warner Roads. This request was noticed according to the provisions of the City of Chandler Zoning Code and Staff has received no telephone calls or letters from neighboring property owners opposed to the application.

Upon finding the request to be consistent with the General Plan, Planning Commission and Staff recommend approval of the Use Permit contingent on the following conditions:

1. The Use Permit is for a Series 10 license only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

35. LIQUOR LICENSE: CVS/Pharmacy #5315

APPROVED a Series 10 Beer and Wine Store Liquor License application (Chandler #300000597) for Jason Barclay Morris, Agent, Chandler Warner CVS, L.L.C. dba CVS/Pharmacy #5315 at 2005 N. Dobson Road. A recommendation for approval of State Liquor License No. 10074588 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

36. LIQUOR LICENSE: India Gate

CONTINUED to October 23, 2003, request for approval of a Series 12 Restaurant Liquor License application for Sarwan Singh, Agent, S & TS LLC dba India Gate. The continuance is being requested to allow the applicant time to complete the requirements for a new Use Permit.

37. SPECIAL EVENT LIQUOR LICENSE: Seton Catholic High School

APPROVED a Special Event Liquor License for Seton Catholic High School for Tropical Night, their annual dinner and auction fundraiser, on November 15, 2003, 4:00 p.m. to 12:00 a.m. at 1150 N. Dobson Road. Recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control.

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY VICE-MAYOR HUGGINS, to approve the Consent Agenda as presented with the exception of item #5 which was moved to the action agenda. Motion passed unanimously (6-0).

ACTION AGENDA:

5. PLANNED AREA DEVELOPMENT: Old Stone Ranch Ord. #3488

This is a request for rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for a 246 acre single-family residential subdivision with 589 lots with Preliminary Development Plan and Preliminary Plat for subdivision layout and housing products. (Applicant: LVA Urban Design Studio LLC, Tim Campbell; Developer: Shea Homes.)

The property is located within the Southeast Chandler Area Plan and Section 19 Brooks Ranch Square Mile Area Plan. The Brooks Ranch Area Plan boundaries are Ocotillo Road, Chandler Heights, Gilbert Road and Lindsay Road. The development conforms to the Brooks Ranch Area Plan which designates the site for Single-Family residential. Brooks Ranch and Quail Springs are west of the property and adjacent to County islands with dairy farms, agricultural and ranchettes.

The proposed development meets the Southeast Chandler Area Plan and Residential Development Standards for subdivision and includes tot lots, common area lake visible from street view and public open space, 18% open space, loop drive, visible open space with view corridors, tree-lines residential streets with parkways between sidewalks and curb, recreational facilities including benches in gathering areas and open space, neighborhood landscape planning theme, water feature, community and neighborhood armadas, pedestrian bridges and an average 45-foot wide landscape setback along arterial streets. In addition, the development includes a City park site, an elementary school site and an overall density of 2.70 du/ac.

The housing products include three different series homes with 16 standard plans with three elevations for each. There are 11 single story plans and 5 two-story plans ranging in size from 1,719 to 4,589 square feet. The development provides that there is no more than 1 two-story home for every third lot adjacent to arterial and collector street and does not allow more than two adjacent lots to have identical rear elevation rooflines visible from arterial streets. All corner lots are single-story homes. Planning and Zoning Commission added Condition No. 19. which allows no more than 2 identical front elevations located adjacent to or across the street from each other.

The developer's design also has pedestrian trails, greenbelts and an equestrian trail along the Brooks Farm Road alignment.

The applicant mailed neighborhood notification letters to property owners within a 300-foot radius providing information and a site plan on the proposed development. Staff and the applicant did not receive any comments following the mailing.

Although the development provides for an equestrian trail link along Brooks Farm Road, the development does not include the northbound trail connection along the 140th street alignment. The development proposed the remaining links of this trial be located on the La Paglia property. Staff recommends the development include the equestrian trail link along the 140th street alignment as a part of the subdivision design. Staff has added Condition No. 18 requiring the applicant to work with Staff on the design of this equestrian trail.

Staff and the applicant were aware that Jesus and Geneva La Paglia of La Paglia Farms intended to file a legal protest as they do not support the alignment design of 140th Street on the east side of their property. Prior to the Planning and Zoning Commission meeting, Staff spoke with Mr. La Paglia and he made no mention of being opposed to Old Stone Ranch or filing a legal protest, nor was he in attendance at the meeting.

Upon finding the request to be consistent with the General Plan, Southeast Chandler Area Plan, the Section 19 Brooks Ranch Area Plan and in conformance with the Residential Development Standards, Planning Commission and Staff recommend approval subject to conditions as noted in the ordinance.

Planning Commission and Staff also recommend approval of the Preliminary Plat subject to the following condition:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

SHAWN COLEMAN, 21837 S. 140th Street, stated that he will be moving into a home directly across the street from the proposed development on the corner of Ocotillo and 140th Street and is concerned with the size of the proposed development and the possible obstruction of the current mountain view. Because the Southeast Chandler Area Plan specifically emphasizes single-story homes and the preservation of mountain views, he asked that the developer be limited to building single-story homes in the first 1400 feet south of Ocotillo Road. Since modifications are still being made to the plans, it would not pose a financial hardship for the developer to make that change at this time.

JEFF KURTZ, Current Planning Manager, responded that the application is consistent with the Southeast Chandler Area Plan and the Specific Section Area Plan adopted by Council for this particular square mile. The overall density is lower than what could be allowed if certain amenities were provided. He stated it is a quality project and represents the planning efforts for the specific area. Great emphasis was placed on providing a large buffered landscape area along the south side of Ocotillo putting those homes approximately 80 – 100' from the roadway. There are a variety of orientations of the homes along Ocotillo. Condition #14 in the ordinance stipulates that two-story homes are limited to every third lot for those lots adjacent to arterial and collector streets. The general layout of the project allows for continuing mountain views. As the area continues to develop, some of those views will change. Staff and Planning Commission do recommend approval.

MR. COLEMAN stated that after talking with City staff, many of the lots will be six to an acre allowing two two-story homes next to each other which could mean four out of five homes could be two-story. He requested that single-story homes be built in the first 1400 feet south of Ocotillo from the half-mile down to the dairy which is approximately ¼ of a mile.

In response to a question from COUNCILMEMBER BRUNO, Mr. Kurtz stated that there could be approximately 150 homes in the development. COUNCILMEMBER BRUNO asked if these concerns were addressed by the Planning Commission. Mr. Kurtz replied that they were not as this was the first time staff has been made aware of Mr. Coleman's concerns.

COUNCILMEMBER BRUNO asked staff if Mr. Coleman had been notified at the beginning of the process about the project or if he is just now finding out about it. Mr. Kurtz responded that since Mr. Coleman has not yet closed on the property, he may not be the owner of record and did not receive notification.

MR. KURTZ reviewed the Southeast Chandler Area Plan showing densities and amenities in various areas. He explained this project was providing a density of 2.7 units per acre, but could be more from the amenities being provided. Everything requested in the Southeast Chandler

Plan to make it a unique area, is being provided and there is open space, an equestrian trail, a school site and park site.

He stated one of the design elements in the Southeast Chandler Area Plan was the streetscape along the arterial roads and mentioned increased landscaping along the streets was included for more vistas through the area. The number of two-story homes was also restricted along the streets and commented that there is conceptually not a lot of height difference between a single-story roof and a two-story home.

In responding to a question from MAYOR DUNN regarding the various neighborhoods in the area, Mr. Kurtz continued that there are varying densities throughout the Southeast Chandler Plan. The property to the north is in the county which is a collection of homes, with animal rights, because it is not part of a master planned area. The Mayor commented that the proposed project meets the goal of the Southeast Area Plan.

COUNCILMEMBER ANDERSON explained that 2.7 reflects the density excluding the park and elementary school. With that area calculated in, the density would be less than 2.4 homes per acre. Mr. Kurtz stated that the calculation used to determine density does not include park or school areas unless they are dedicated areas.

TIM CAMPBELL, 7502 E. Main Street, Scottsdale, with LVA Urban Design Studio addressed Mr. Coleman's concerns by pointing out that all of the homes have been moved back 100 – 120 feet from Ocotillo Road. He said the open spaces are orientated toward the Santan Mountains to maintain the vistas. The Southeast Chandler Area Plan requires that all corner lots have single-story homes and commented that most of the homes adjacent to Ocotillo Road are already required to be single-story. Mr. Campbell also pointed out that as the landscaping along Ocotillo matures, it would also alter the view.

COUNCILMEMBER WESTBROOKS asked how many homes along the first row could possibly be two-story. Mr. Campbell responded that there is only one two-story plan being offered by Shea Homes meaning that 80% of the lots will have single-story homes. Along the first row, there could be a total of 4 two-story homes. Throughout the entire project, only one out of every three lots could have a two-story home.

MR. COLEMAN asked if the two-story homes could be restricted to single-story in the northwest corner of the development for the first two rows through lot 36 which would be approximately ten homes. He stated the opinion that if a two-story house was built in the first two rows, it would block 90 – 95% of the mountain view. He mentioned that there are varieties of trees that do not get larger than 15 feet that could be used in the landscaping.

MR. CAMPBELL stated that the applicant believes the plan as presented is good and they would like to continue with that plan.

MOTION MADE BY COUNCILMEMBER BRUNO, SECONDED BY COUNCILMEMBER ANDERSON to Introduce and Tentatively approve Ordinance No. 3488, DVR02-0047, Old Stone Ranch, from AG-1 to Pad with Preliminary Development Plan, subject to conditions as recommended by Planning Commission and Staff and Preliminary Plat, PPT03-0004 Old Stone Ranch, as per Planning Commission and Staff recommendation. MOTION CARRIED UNANIMOUSLY (6-0).

38. USE PERMIT EXTENSION: The Wild Hare

Planner THOMAS RITZ introduced this item and stated that this request is for continued alcohol sales under a Series 12 Restaurant License in a portion of an existing restaurant. It is adjacent to the Coffee Works restaurant which has expressed concerns with noise, trash and maintenance. Planning Commission and Staff recommend approval for a period of one year. The Planning Commission noted that the rear patio area needed to be maintained, that additional screening for outdoor storage was needed, the umbrellas facing Ray Road are to be solid, full color, there be a limitation on how long banners could be hung, and the applicant shall work with staff on sound mitigation to alleviate the noise problem of noise flowing into the Coffee Works. He reported the applicant has hired a sound engineer who has begun to study the problem and will be devising solutions.

COUNCILMEMBER BRUNO asked for clarification on the condition requiring banners for special events only be displayed for one week. Mr. Ritz explained that because of the unique placement of the restaurant in the center with the back facing Ray Road, the Planning Commission was concerned that banners would be left up too long. He added that Staff would be responding on a complaint basis through the Neighborhood Services.

Acting City Manager PAT MCDERMOTT responded to COUNCILMEMBER BRUNO'S question regarding current restrictions on banners by saying that under current code, banners are not allowed. Administratively, the City has taken the position of allowing banners for up to 60 days per year for special events if they are hung on the building and maintained. He said complaints are handled on a complaint basis as stated by Mr. Ritz.

Applicant, LAUREN POND, said he feels this is an appropriate use and they have worked hard toward complying with the requests of the Planning Commission. He commented that the other tenants in the plaza are in support of the extension and he is in agreement with the recommended conditions should the extension be approved.

MAYOR DUNN clarified with staff that the original use permit was for one year and that this is for another one year. Mr. Ritz confirmed the Mayor's comments. In addition, Mr. Ritz stated that in checking with the manager at the Sunset Library they have indicated that there have been no problems.

A MOTION WAS made by COUNCILMEMBER ANDERSON and SECONDED BY VICE-MAYOR HUGGINS to approve the Use Permit (UP03-0022) for an extension of one year contingent on the following conditions:

1. The Use Permit granted is for a Series 12 license only, and any change of license shall required reapplication and new Use Permit approval.
2. Expansion or modification beyond the proposed floor and patio area plan shall void the Use Permit and require a new Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.
4. Conformance with representations stated within this memo regarding the applicant's intention with regard to music.
5. No alcohol shall be carried outside of the building into the parking lot or off-premises.
6. The screening of outdoor storage shall include a metal mesh screen, which matches the awnings inside the fence. Vines and shrubs shall be installed within 30 days of Use Permit approval.

7. Umbrellas placed on the patio facing Ray Road shall be solid, full color with no lettering.
8. Banners installed visible from Ray Road for special events shall be installed for a maximum of one week.
9. The Use Permit shall be for one year.
10. The applicant shall work with Staff on sound mitigation to alleviate the noise problem of the music flowing over into the Coffee Works.

MOTION CARRIED unanimously (6-0).

A. Mayor's Announcements:

MAYOR DUNN announced that the football stadium was dedicated this evening at Basha High School in honor of longtime Chandler and Gilbert Coach Jim Wall. Due to the Council meeting, Council was unable to attend. He mentioned it was also the first junior varsity home game.

THE MAYOR also announced the Rosales Family Pioneering Artwork and Fountain dedication ceremony on Friday, September 19, at 5:00 pm at Dr. A. J. Chandler Park. He stated the opening reception for the Hispanic Photo Exhibit would follow the fountain dedication at 6:00 p.m. at the Vision Gallery, 80 San Marcos Place.

MAYOR DUNN informed Council that there would be a bond election on May 18, 2004. He reported that part of the process would be the formation of a Citizen Bond Committee to review and identify the specific need of the City, although the analysis of projects requiring bond authorization is still being evaluated. He said the areas to be reviewed by the committee are public safety (police & fire), transportation/streets, parks and water/wastewater/effluent reuse. He asked citizens interested in being considered to serve on the Bond Committee to contact Jackie Rensel no later than September 19th at 782-2262. He added that appointments would be made at the October 9, 2003 Council meeting.

B. Councilmembers' Announcements:

COUNCILMEMBER CACCAMO stated that it is very appropriate to dedicate the Basha High football field after Mr. Wall. He was a great mentor as he spent 15 years in the school system and left a great legacy for the students. Councilmember Caccamo also congratulated the Chandler High School women's barbershop choir. They have been invited to open the annual convention of the Sweet Adeline's at America West Arena under the direction of Councilmember Dean Anderson.

COUNCILMEMBER WESTBROOKS also commented on the appropriateness of naming the Basha High Stadium in honor of Coach Jim Wall. He said that Coach Wall was very dedicated to the community and to the students.

COUNCILMEMBER ANDERSON stated that a Chandler resident and elementary school teacher at Sanborn Elementary School, Lori Lyford, is the conductor the Scottsdale Sweet Adelines who are world champions. They will be performing at America West on Tuesday. He informed the Council that the Chandler High Women's Barbershop group is the only high school choir that has ever been invited to the International Convention of the Sweet Adelines. Councilmember Anderson thanked the community and the school board for their support.

C. City Manager's Announcements:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 8:20 p.m.

ATTEST: _____
City Clerk MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 11th day of September 2003. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of _____, 2003.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, September 25, 2003 at 7:05 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Donna Wallace	Councilmember
Phillip Westbrooks	Councilmember

Absent & Excused:

Bob Caccamo	Councilmember
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Also in attendance:

Pat McDermott	Acting City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Nachie Marquez, Mark Eynatten, Garrett Newland, Chief Roxburgh, Patricia Walker, Dave Siegel, Doug Ballard, Commander Brzuchalski, Bryan Patterson

INVOCATION: The invocation was given by Reverend Mark Fuller – Crossroads Nazarene Church.

PLEDGE OF ALLEGIANCE: Councilmember Bruno led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognitions

MAYOR DUNN was joined by Police Commander Brzuchalski to recognize Sgt. Greg Lair for 20 years of service in the Police Department. Sgt. Lair has served as a field training officer, an auto theft detective and currently as a patrol officer. He has received such prestigious awards as the Arizona Auto Theft Investigators Association Award as "Investigator of the Year", the City of Chandler's Meritorious Service Award, the International Association of Auto Theft Investigators "Award for Exceptional Achievement", the Employee of the Year, and the "Law Enforcement Commendation Medal" from the National Society of the Sons of the American Revolution.

MAYOR DUNN asked Fire Chief Roxburgh to join him in recognizing Fire Marshall John Gardner for 15 years of service. John joined the Fire Department after serving 20 years in the United States Air Force in Fire Protection Services. He began his service as a fire inspector and was soon appointed Fire Marshall. He has been involved in local, regional and national services and was named Principal Member of the National Fire Protection Association's Technical Committee on Fire Marshall Professional Qualifications. He has also earned the status of Executive Fire Officer by completing a 4-year program through the National Fire Academy.

MAYOR DUNN, assisted by Public Works Director BRYAN PATTERSON, recognized James Sweeney for 10-years of service. Senior Streets Specialist for the Storm Water Division Jim Sweeney is the "go to" guy in the division. He began with the City as an Equipment Operator I and was promoted to Senior Streets Specialist where his duties were expanded to include herbicide spraying and operation of the City's herbicide trailer. Jim ensures that the numerous storm drains throughout the City operate properly, which at times includes removing trees and other debris from the road and pumping standing water.

Also recognized for his 10 years of service was CHUCK SMITH. He began with the City overseeing the water, wastewater and solid waste operations. He has been working with the development community during the past six years resulting in significant growth in privately funded City infrastructure. Chuck's community involvement includes member and past President of the Chandler Kiwanis where he is responsible for creating the Chandler-themed Christmas ornament raising funds for the Kiwanis.

2. Retirement Recognition

ACTING CITY MANAGER PAT MCDERMOTT recognized Police Chief Bobby Joe Harris for his 32 years of service with the Chandler Police Department. He stated that Bobby Joe began his career with the Chandler Police Department in 1971 when he and his wife Judy moved to Arizona from Clovis, NM. During his tenure with the Chandler Police Department, Bobby Joe served in every area of law enforcement, including starting the first K-9 officer team with his dog Warlock. With the retirement of Chief Ron Danielson in 1993, Bobby Joe Harris became the Chief of the Chandler Police Department. Under his leadership, several goals were accomplished including increased staffing, design of a new building, an upgraded radio system and standards for education were established for supervisors and managers. Other career achievements include the Department becoming the seventh accredited law enforcement agency in Arizona and the Communications Section being independently accredited. Chief Harris has been a friend and mentor to many and his dedication to the Police Department and love of law enforcement will long be remembered in the City. MAYOR DUNN presented Chief Harris a clock from the City.

COUNCILMEMBER CACCAMO offered his congratulations to Chief Harris via video and commended him for what he has done for the community not only as Police Chief, but also as a volunteer.

VICE-MAYOR HUGGINS commented that he has worked with a number of Police Chiefs, but Chief Harris built the foundation of the new, accredited professional department that we are proud of. He established a relationship with Bobby Joe when they were both patrolmen. Bobby Joe treats everyone with respect and dignity.

COUNCILMEMBER ANDERSON commended Chief Harris on his service to law enforcement, to the City and the people of the City of Chandler. He wished the Harris' well in both of their retirements.

MAYOR DUNN also recognized Mrs. Harris who previously served on the City Council.

COUNCILMEMBER BRUNO expressed her appreciation for the work that Chief Harris has done for the community and in encouraging his employees to do the same.

COUNCILMEMBER WESTBROOKS congratulated Chief Harris on his retirement and wished him and his family the best. He also thanked Chief Harris for his service to the community.

CHIEF BOBBY JOE HARRIS stated that it was an honor to be here. He has spent 38 years serving his community and country with no regrets. When he began working for the Police Department, there was a population of 15,000 with a Police force of 36 and currently, the population is approximately 210,000 with a Police force of 446. The men and women of the department have been responsible for his successes and accomplishments. Chief Harris thanked the Council for their support over the years.

3. Proclamation – Fire Prevention Month

MAYOR DUNN asked Fire Marshall John Gardner and Education Officer Marty Dangel to join him at the podium. He read a proclamation proclaiming the month of October 2003 as Fire Prevention Month in Chandler.

4. Communications Award Presentation

MAYOR DUNN asked Communications & Public Affairs Director Nachie Marquez to assist him in recognizing Web Coordinator Craig Younger for his creative efforts in designing the City's web page enabling the Communications & Public Affairs Department to be named a Savvy Award winner by the City, County Communications & Marketing Association for its use of creative desktops on employee computers.

5. Recognition – Henry Salinas, Recipient of the Hon Kachina Award

MAYOR DUNN requested that COUNCILMEMBER BRUNO and Henry Salinas join him. Mayor Dunn announced that Henry Salinas was a recipient of the Hon Kachina Award for his volunteer dedication to ICAN. A news clip from Channel 15 news spotlighting Mr. Salinas was shown. COUNCILMEMBER BRUNO expressed her appreciation to Mr. Salinas for his tenacity in establishing the ICAN program. Because of Mr. Salinas, ICAN now has corporate, community and United Way support.

MR. SALINAS thanked the City for "believing in the dream" and making ICAN successful.

UNSCHEDULED PUBLIC APPEARANCES:

There were no unscheduled public appearances.

CONSENT:

COUNCILMEMBER WALLACE stated that she had asked Item #3 be moved to the Action Agenda at Monday's Study Session and, if there are no comments from the audience, she requested the item be moved back to the Consent Agenda. She thanked staff for addressing her concerns.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER ANDERSON, to approve the Consent Agenda as amended by moving Item #3 to the consent agenda. Motion passed unanimously 6-0.

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Meeting of September 11, 2003 and the Special Meeting of September 11, 2003.

2. PLANNED AREA DEVELOPMENT: Old Stone Ranch Ord. #3488

ADOPTED Ordinance No. 3488 (DVR-02-0047), Old Stone Ranch, rezoning from AG-1 to PAD for a single-family residential subdivision along with a Preliminary Development Plan for the subdivision layout and housing product on approximately 246 acres for property located at the SWC Ocotillo and Lindsay Roads.

3. CITY CODE AMENDMENT: System Development Fees Ord. #3489

ADOPTED Ordinance No. 3489 amending Section 38-13 of the Chandler City Code updating System Development Fees effective January 1, 2004.

4. ANNEXATION: Queen Creek/Gilbert/Lindsay Roads Ord. #3490

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3490 annexing less than 1 acre of Maricopa County Right-of-Way on Queen Creek Road between Gilbert and Lindsay Roads. The Layton Lakes subdivision is being developed in the City of Chandler and Town of Gilbert. As part of the subdivision development process, Queen Creek Road will be improved to the City of Chandler arterial standards. As specified in a 1988 Intergovernmental Agreement between the City of Chandler and the Town of Gilbert and agreements with the developer (the Layton family), the City of Chandler has agreed to annex the entire ultimate Queen Creek Road right-of-way within the subdivision. State law provides that a County right-of-way with no taxable real property may be annexed to an adjacent City by mutual consent of the County and City's governing bodies if the property annexed is adjacent to the annexing city for the entire length of the annexation. Staff finds this request meets these requirements.

The proposed annexation is currently a portion of Queen Creek Road with ultimate arterial improvement to City of Chandler standards by the developer. Required improvements to the roadway and utility infrastructure will be constructed as part of this development.

5. REZONING/PRELIMINARY PLAT: Victoria Manor Ord. #3491

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3491 (DVR 03-0014/PPT03-0006) 124th Street and Riggs Road, Victoria Manor, rezoning from AG-1 to PAD Single-Family Residential for a single-family residential subdivision with a Preliminary Development Plan for subdivision layout and a Preliminary Plat for the subdivision layout on approximately 14 acres north of Riggs Road on the east side of 124th Street. (Applicant: Jeff Wimmer, CMS, L.L.C.)

The property is currently vacant and zoned AG-1 and designated rural residential in the Chandler General Plan. It is also designated Rural/Agrarian Character which may allow densities up to 3.5 du/ac for suitable parcels. The proposed development is bounded on the north by Victoria Street, the south by Riggs Road, the west by 124th Street and a large-lot County subdivision on the east. The developer proposes 34 lots on 14.22 acres for a density of 2.39 du/ac. No lots are fronted onto Riggs Road, 124th or Victoria Streets and the number of two-story homes is restricted to 50% along the frontages. Proposed landscaping meets minimal City requirements. Setbacks and lot coverage may be acceptable with a suitable housing product.

This project meets seven of eight diversity standards and four of ten optional diversity elements including a large landscaped entry, theme walls and an entry monument sign.

This request was noticed in accordance with the requirements in the Chandler Zoning Code and a neighborhood meeting was held with residents attending from the surrounding subdivisions and County parcels. County residents expressed concern with the density of the project and that two-story homes overlooking their front yards would cause a loss of privacy and ruin the rural character of the area. Staff has not received any calls or letters in support or opposition to the requested development.

Upon finding consistency with the General Plan and the Southeast Chandler Area Plan, the Planning Commission and Staff recommend approval to rezone from AG-1 to conceptual PAD and the PDP for lot layout subject to stipulations listed in the ordinance.

Upon finding consistency with the Diversity Standards and Southeast Chandler Area Plan, the Planning Commission and Staff recommend approval of the Preliminary Plat subject to the following stipulation:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

6. REZONING/PRELIMINARY PLAT: Vista Del Sol Ord. #3492

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3492 (DVR03-018) Vista Del Sol, rezoning from AG-1 to Single-Family District SF-10 for a 12-lot single-family residential subdivision and a Preliminary Plat (PPT03-0003) for the subdivision layout on approximately 5.0 acres located south of the intersection of south 108th Way and Willis Road. (Applicant: James I. Lambson, Lambson Construction)

The property is surrounded to the north by an 8-lot residential subdivision zoned Single-Family District (SF-18), to the west by AG-1, and to the east is the existing Sunshine Valley mobile home subdivision. Sienna Heights subdivision is adjacent on the south. Access to the proposed project is by 108th Way connecting to Willis Road to the north.

There are currently four homes on the parcel with a 4,000 square foot building on the SWC used for the applicant's construction company. The construction yard will be removed prior to development. Staff finds the proposed subdivision to be a logical extension of the existing 5-acre subdivision to the north adjacent to Willis Road. Typically, on-lot retention is no longer permitted in Chandler; however, it is supportable for this project based upon the site location, existing lot grades and existing structures.

This request was noticed according to provisions of the City of Chandler Zoning Code and staff has received no phone calls or letters from residents opposing this proposal. A neighborhood meeting was held on August 21, 2003 attended by seven neighbors in support of the project.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval to rezone the property from Agricultural District (AG-1) to Single-Family District (SF-10) for a 12-lot single-family residential subdivision subject to stipulations listed in the ordinance.

The Preliminary Plat is also approved subject to the following condition:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

7. MEMORANDUM OF AGREEMENT AMENDMENT: Southwest Ambulance

APPROVED an amendment to the Memorandum of Agreement between the City of Chandler and SW General dba Southwest Ambulance, for emergency transportation services. The amendment is for language clarification requested by the Arizona Department of Health Services prior to their approval of the Agreement between the City and Southwest Ambulance for transportation services. The changes have been jointly agreed upon by legal counsel for both parties and not regarded as material changes.

8. AGREEMENT FOR PURCHASE OF COMPUTERS: IBM

APPROVED an agreement with International Business Machines Corporation (IBM) for the installment purchase of personal computers, network servers, and laptops utilizing the Western States Contracting Alliance, in an amount not to exceed \$2,019,045.00 with payments of three annual equal installments; authorized the Chief Information Officer to execute individual purchase orders up to such contract amount; and authorized installment payments of \$2,000,000.00 for this year's payments on this new contract and the previous two year's installment purchases of similar equipment through IBM Credit Corporation.

The City is in its sixth year of a technology refresh program that has provided Departments with faster and more powerful personal computers, network servers, laptops and network capabilities. The City is required to request appropriations for current year payments and may terminate the agreement and not be obligated for payments if the City Council does not approve the appropriation. IBM will provide a parts and labor warranty for personal computers, network servers and laptops for the term of the three-year installment period.

In FY2003-04, the City will be issuing 450 personal computers and laptops, 17 network servers, and purchasing approximately 4 personal computers formerly authorized positions. The FY2003/04 estimated annual payment for this contract is \$673,135.00. Prior year payments of \$614,525.00 (FY2001/02), \$712,340.00 (FY2002/03) and estimated installment payments for FY2003/04 of \$673,135.00, total \$2,000,000.00 due this fiscal year.

9. AUTHORIZE EXPENDITURES: Phoenix Fire Department Health Center

AUTHORIZED the appropriation of \$89,394.00 for Firefighter Physical Examinations in accordance with the existing Intergovernmental Agreement between the City of Chandler and the City of Phoenix. The Agreement provides Chandler Fire Department personnel with annual medical and physical fitness examinations performed by Occupational Physicians and are done in accordance with the recognized national standard.

10. OFFSITE AGREEMENT: Continental Chandler, L.L.C.

APPROVED an offsite agreement with Continental Chandler LLC deferring the upgrading of landscape in the Santan Freeway right-of-way adjacent to the San Tan Plaza development and accepting a lump sum payment of \$18,143.00.

Continental Chandler LLC is constructing San Tan Plaza on the west side of Arizona Avenue immediately south of the Santan Freeway. Arizona Department of Transportation has not yet established a budget for landscaping the unpaved right-of-way areas along this freeway, but the initial budget is expected not to provide for the installation of any plants requiring irrigation. The City's landscape standards require the provision of appropriate vegetation, including the necessary irrigation facilities to support it. This agreement is intended to obtain the necessary funds from the developer for implementing the upgrade and provide the funds to ADOT to cover the cost.

Upon entering into this agreement and providing the required lump sum payment in the amount of \$18,143.00, the developer will be relieved of any further obligation for the landscape improvements. The funds will be placed in an interest-bearing account and held until the time of transfer to ADOT.

11. OFFSITE AGREEMENT: Sunwest Valley Developers, Inc.

APPROVED an offsite agreement with Sunwest Valley Developers, Inc. deferring the full median, including landscaping, in Queen Creek Road from Emmett Drive to a point 1,918 feet to the east and accepting a lump sum payment of \$58,829.00.

Sunwest Valley Developers, Inc. is constructing a subdivision (Abralee Meadows) in the area immediately south of Queen Creek Road and east of Emmet Drive. As part of this project, the developer has an obligation for construction of a full median in Queen Creek Road along the length of the subdivision. Construction of this median would require the ability to install one traffic lane north of the median, but this is not feasible at this time due to the existing irrigation ditch. This agreement will cover the cost of construction of the median at a future date when the construction becomes feasible.

12. ENGINEERING SERVICES CONTRACT: Carollo Engineers

APPROVED an engineering services contract to Carollo Engineers to master plan the Chandler Heights Recharge Project, Project No. WW0401-101, in the amount of \$223,780.00. The City owns 113 acres on the northeast corner of Lindsay and Chandler Heights Roads for the purpose of constructing a wetlands recharge site to include the development of the footprint of the site integrating the need to recharge reclaimed water through the use of surface basins. This contract includes workshops with staff and public information meetings to solicit input from citizens and other agencies interested in using the facility. Upon acceptance of the master plan by the City Council, staff will proceed to the design phase of the project through a separate contract.

13. ENGINEERING DESIGN CONTRACT AMENDMENT: Burgess & Niple Engineers

APPROVED engineering design contract amendment no. 3 with Burgess and Niple Engineers for Riggs Road Improvements, Arizona Avenue to Gilbert Road, Project No. ST0124-201, in an amount not to exceed \$112,549.00. The City has requested that the design and contract documents be revised to provide for six lanes, three in each direction. After receiving comments from the public requesting the full six lanes, Staff prepared an economic analysis evaluating the four lane versus six lane cross section and presented the results to the Transportation Commission. They concurred with the recommendation to construct six lanes.

Other changes requested by the City include:

- Design changes at the intersection of Arizona Avenue and Riggs Road to provide additional capacity west of Arizona Avenue.
- Design deceleration lane and drainage for access to Kelley's family Car Wash. Kelley's Family Car Wash has been invoiced for reimbursement to the City for design fees.
- Design and construct 12" gravity sewer line from Arizona Avenue to pump station at railroad tracks.

14. CONSTRUCTION CONTRACT: Hunter Contracting Co.

APPROVED a construction contract with Hunter Contracting Company for construction of the Lone Butte Water Reclamation Facility filter system upgrades, Project No. WW0104-401, in an amount not to exceed \$1,595,400.00. The City of Chandler currently operates the Lone Butte Water Reclamation Facility located on land owned by the Gila River Indian Community. Design and construction have been underway for the last year to update aging equipment for more efficient operation and help ensure that the facility meets its contractual obligations for providing reclaimed water. This contract provides for the addition of a new continuous backwash sand filter and filter pump station.

15. ENGINEERING SERVICES CONTRACT: Wilson and Company

APPROVED an engineering services contract to Wilson and Company for construction management of the Lone Butte Water Reclamation Facility filter system upgrades, Project No. WW0104-451, in an amount not to exceed \$149,232.00. The City of Chandler currently operates the Lone Butte Water Reclamation Facility located on land owned by the Gila River Indian Community. Design and construction have been underway for the last year to update aging equipment for more efficient operation and help ensure that the facility meets its contractual obligations for providing reclaimed water. This contract provides for project administration, resident engineering services, field inspection and special services during construction.

16. ARCHITECTURAL DESIGN CONTRACT: Architekton, Inc.

APPROVED an architectural design contract with Architekton, Inc. for the Community Facilities Complex, Project No. PD0203-201, located at the NEC of Chandler Boulevard and Desert Breeze Parkway in an amount not to exceed \$598,000.00. This project is to construct an 11-acre community facilities complex including the West Chandler Police Sub-Station, Fire Station No. 9 and a 5-acre addition to Desert Breeze Park. This contract is for design services, site testing and evaluation and construction administration and will be completed using a Construction Manager at Risk contract.

17. PRE-CONSTRUCTION SERVICES CONTRACT: Turner Construction Company

APPROVED a pre-construction services contract for the Construction Manager at Risk project to Turner Construction Company for the Community Facilities Complex, located on the NEC of Chandler Boulevard and Desert Breeze Parkway, Project No. PD0203-251, in an amount not to exceed \$99,975.00. This project is to construct an 11-acre community facilities complex including the West Chandler Police Sub-Station, Fire Station No. 9 and a 5-acre addition to Desert Breeze park. This contract is for the Construction Manager at Risk Contractor to provide value engineering, constructability reviews, utility coordination and installation, detailed cost analysis and cost estimates.

18. CONSTRUCTION CONTRACT: Salt River Project

APPROVED a construction contract with Salt River Project for the conversion of 12kV overhead power lines to underground for the Pecos Road Improvements, Dobson to McQueen, Project No. ST0244-502, in an amount not to exceed \$289,078.00. SRP will remove the 12kV power lines from the existing poles, pull new electrical conductors through a conduit provided by the City and place approximately three miles of power lines underground.

19. CONSTRUCTION CONTRACT: AJP Electric, Inc.

APPROVED a construction contract with AJP Electric, Inc. for the installation of a back up generator and electrical service improvements at the North Alma School Well Site, Project No. WA0228-401, in an amount not to exceed \$271,000.00. Several water production facilities have been identified as having insufficient auxiliary power to operate the facility at 100% capacity during long-term power outages. This contract provides for the installation of a diesel back-up generator and miscellaneous electrical service upgrades at the North Alma School Road Well Site. City staff will provide construction management.

20. CONTRACT: Calgon Carbon Corporation

APPROVED a contract with Calgon Carbon Corporation for granular activated carbon and filter media for the Water Treatment Plant, in an amount not to exceed \$327,600.00. Granular activated carbon is used in the filters at the surface water treatment plant to reduce taste and odors in the water provided to Chandler's customers. The carbon is changed every two years in order to effectively maintain the ability to remove compounds from the water that cause taste and odor issues. This contract price is approximately \$80,000.00 less than two years ago when the carbon was last replaced.

21. CONTRACT: First In and Space Rite

APPROVED a contract for police car components with First In (all items except the graphic kits) in an amount of \$48,705.54 and to Space Rite (graphic kits) in an amount of \$7,160.54, for a total contract amount of \$55,866.08.

22. CONTRACT RENEWAL: Del Mar Analytical and Aerotech Laboratories

APPROVED contract renewal for an additional one-year extension with Del Mar Analytical and Aerotech Laboratories for environmental wastewater laboratory testing services, in an amount not to exceed \$240,000.00. This will be the third one-year extension option in the original contract. The contractors have agreed to extend the contracts with no price increases. The Environmental Protection Agency (EPA) and the Arizona Department of Environmental Quality (ADEQ) mandate tests for drinking water and wastewater. Water Quality, Wastewater and Environmental Management use this contract to comply with various testing requirements.

23. CONTRACT EXTENSIONS: Bound Tree Medical Supplies and First Line, L.L.C.

APPROVED contract extensions for one-year with Bound Tree Medical Supplies for emergency medical supplies in an amount not to exceed \$70,000.00 and with First Line, L.L.C. for powder-free latex exam gloves in an amount not to exceed \$20,000.00 for a total contract not to exceed \$90,000.00. This is the first of two one-year renewal options originally agreed upon by the City and contractors. Bound Tree Medical Supplies has requested an increase on some items while

lowering unit pricing on other items with a net result of lower overall costs to the City. First Line L.L.C. has offered a significant reduction in their exam glove pricing which should offset the increased demand for gloves that results from a growing emergency call volume.

24. CONTRACT AMENDMENT: G & G Construction

APPROVED a contract amendment with G & G Construction Co. for reconstruction of concrete curbs, sidewalks and handicap ramps to increase the contract amount by \$356,778.00 to an amount not to exceed \$843,889.00. This amendment is necessary for additional repairs to damaged concrete and to upgrade existing handicap ramps to current standards for the hot in place repaving of Ray Road from I-10 to SR101 scheduled for spring of 2004.

25. CONTRACT EXTENSION: Ameron Corporation

APPROVED a contract extension with Ameron Corporation, distributed through Watkins Sales Co., for the purchase of traffic signal poles and arms in an amount not to exceed \$179,651.00. This is the first of two one-year extensions. Traffic signal poles are scheduled for installation in this fiscal year and are being purchased by the City due to long lead-time for manufacturing and delivery. Pre-purchasing reduces construction time by approximately 2 months and material costs by approximately 15%.

26. BOARD APPOINTMENTS

APPROVED the appointments of Marguerite Munkachy and Michael Morgan to the Neighborhood Advisory Committee.

27. PURCHASE: Cisco Networking Support and Maintenance

APPROVED the purchase of support and maintenance for the City's Cisco networking equipment, utilizing the State of Arizona contract, for the new City Yard Building from Qwest in an amount not to exceed \$92,600.00. The City is in the process of building a new City Yard which will require network equipment to connect to the current City of Chandler network. The new network equipment incorporates the latest technology permitting full use of the City's current network infrastructure and providing for the use of future technology enhancements.

28. USE PERMIT EXTENSION: Sidelines Grill & Tavern

APPROVED a use permit extension (UP03-0025) for Sidelines Grill & Tavern, Series 12 Restaurant License at 2980 S. Alma School Road, Suite 2, NWC of Alma School and Queen Creek Roads. (Applicant: A.L.I.C. Enterprises, Randy Nations.) The applicant has requested to install noiseless televisions on the patio. The original Use Permit was approved in June 2002 with a one-year time limit stipulation due to concerns raised by neighbors regarding the close proximity of the outdoor patio to the nearby food service businesses which may be patronized by youth and teenagers.

This request was noticed in accordance with the requirements of the Chandler Zoning Code and staff has received no telephone calls or letters from residents opposed to this Use Permit.

Upon finding consistency with the General Plan, Planning Commission and Staff recommend approval of the Use Permit extension contingent on the following conditions:

1. The Use Permit is for a Series 12 license only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

29. USE PERMIT: Mikado Sushi Restaurant

APPROVED a Use Permit (UP03-0034) Mikado Sushi Restaurant, for a Series 12 Restaurant License to sell liquor for on-premise consumption only within an existing restaurant at 3125 S. Alma School Road, Suite 3, SEC of Alma School and Queen Creek Roads. (Applicant: Seong Kang.) The restaurant has been in operation since July 7, 2003. This request was noticed in accordance with the requirements of the Chandler Zoning Code and Staff has received no opposition from residents.

Upon finding consistency with the General Plan, Planning Commission and Staff recommend approval of the Use Permit contingent on the following conditions:

1. The Use Permit is for a Series 12 license only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

30. LIQUOR LICENSE: Mikado Sushi Restaurant

APPROVED a Series 12 Restaurant Liquor License (Chandler #300000591) for Seong B. Kang, Agent, Mikado Sushi Restaurant at 3125 S. Alma School Road, Suite 3. Recommendation for approval of State Liquor License No. 12075551 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

31. LIQUOR LICENSE: Water and Ice Discount Superstore

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #300000593) for Rajeshwar Sharma, Agent, ASR Convenience LLC, dba Water and Ice Discount Superstore at 995 W. Ray Road. Recommendation for approval of State Liquor License No. 10074614 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. A new Use Permit is not required as this will be a continuation of the location's previous use as a 7-Eleven.

32. LIQUOR LICENSE: Barcelona

APPROVED a Series 12 Restaurant Liquor License (Chandler #300000600) for Lauren Kay Merrett, Agent, The Downside Grille LLC, dba Barcelona at 900 N. 54th Street. Recommendation for approval of State Liquor License No. 12075584 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the

applicant is in compliance with the City's Tax Code. A new Use Permit is not required as this will be a continuation of the location's previous use as Barcelona.

33. LIQUOR LICENSE: Bistro Isabelle

APPROVED a Series 12 Restaurant Liquor License (Chandler #300000598) for Channette A. Wijangco, Agent, Wijangco Holdings, Inc. dba Bistro Isabelle at 7131 W. Ray Road #45. Recommendation for approval of State Liquor License No. 12075570 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. A new Use Permit is not required as this will be a continuation of the location's previous use as Bistro Provence II.

34. LIQUOR LICENSE: Sam's Smoke 'N' Stuff

CONTINUED to November 6, 2003, a request for a Series 10 liquor license application for Oula Dawud Hawash, Agent, Sam's Smoke 'N' Stuff at 411 S. Arizona Avenue, Suite 2, to allow the applicant time to complete the requirements for a new Use Permit.

35. LIQUOR LICENSE: Shimogamo

APPROVED a Series 12 Restaurant Liquor License application (Chandler #300000596) for Yoshio Otomo, Agent, Otomo & Associates LLC, dba Shimogamo at 2051 W. Warner Road, Suite 14. Recommendation for approval of State Liquor License No. 12075598 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. A new Use Permit is not required since the current occupant, C-Fu Gourmet, has relinquished a portion of their location to accommodate this new business.

36. SPECIAL EVENT LIQUOR LICENSE: Stable Influence Charity Programs

APPROVED a special event Liquor License for Stable Influence Charity Programs Harvest Horse Show and Dinner fundraiser on October 18, 2003 at 716 N. McQueen Road. Recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control.

37. PRELIMINARY DEVELOPMENT PLAN: Villas at Ocotillo

APPROVED a Preliminary Development Plan (PDP02-0036) Villas at Ocotillo, for site layout and housing products for approximately 49 detached condominium units on 12.1 gross acres east of the SEC of Dobson Road and Ocotillo Road. (Applicant: George Christensen Architects; Developer: Desert Fox Associates L.L.C.)

This property is part of the Ocotillo planned community originally planned in 1985. The property was zoned conceptual PAD in 2000 for luxury condominiums at a maximum of 5.0 dwelling units per acre as part of the Ocotillo Phase Two master planned area. Adjacent land uses around the site include cluster homes to the north, single-family subdivisions to the south and east and vacant specialty commercial zoned property to the west across the lake.

This complex will be developed as a private, gated community featuring individual condominium villas that share a common open space between each structure with the lake shoreline

encompassing approximately one half of the total site's perimeter area. The Fire Marshall has determined that the long cul-de-sac driveways and single access to the site is sufficient as long as all units include a fire sprinkler system. The applicant has agreed to a stipulation that requires the sprinkler system.

The project meets the intent of the Residential Diversity Standards with an emphasis placed on four-sided architecture through the implementation of features on all sides of the buildings. The varied building orientations, roof forms and limited two-story building portions create a village-scape that minimizes the building mass.

A neighborhood meeting was held with approximately 30 people in attendance. The applicant also met with the single-family residential builder (T. W. Lewis), individual homeowners, and prospective buyers of the subdivision adjacent to the site to discuss the building locations. The applicant has agreed to a stipulation enlarging the building setbacks along the east property boundary to 20' and limit the structures to single-story only.

Upon finding the request to be consistent with the General Plan and the adopted Planned Area Development zoning, Planning Commission and Staff recommend approval contingent on the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3170, in case OCOTILLO PHASE II, except as modified by condition herein.
2. Development shall be in a substantial conformance with Exhibit A, Development Booklet, entitled "Villas at Ocotillo" kept on file in the City of Chandler Current Planning Division, in file no. PDP02-0036
3. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of the landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the homeowner's association.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
6. The homes shall have all copper plumbing for those lines under water pressure.
7. A minimum 10-foot separation shall be provided between homes.
8. The six buildings located along the southern portion of the east property boundary and adjacent to the single family subdivision shall be limited to single story structures and have a minimum 20' setback.
9. All building units shall be sprinklered.
10. A 4' wide landscape separation shall be provided between the circular entry drive walkway and the adjacent perimeter wall.

38. PRELIMINARY PLAT: Campo Verde

APPROVED a Preliminary Plat (PPT03-0008) Campo Verde, for a single-family residential development on a 35-acre site at the SEC of Frye and Alma School Roads. (Applicant: Ariztar Development.) The site is zoned SF-8.5 which allows single-family dwellings. The proposed subdivision complies with the zoning district requirements and does not require rezoning; therefore, the proposal does not include housing products review.

The proposed plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way. The subdivision is not required to comply with residential development standards including design and housing products, however the design does meet Subdivision Code and Zone Code requirements including street design, open space, lot size, setbacks, landscaping and retention.

39. PRELIMINARY PLAT: Chuparasas

APPROVED a Preliminary Plat (PPT03-0009) Chuparasas, for a mixed-use development, including commercial retail/office, institutional and residential uses, on approximately 40 acres at the SWC of Dobson and Germann Roads. (Applicant: Whitneybell Architects.) The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

Approval is contingent on the following condition:

1. Approval by the Director of Planning and Development and City Engineer with regard to the details of all submittals required by Code or Condition.

40. MASTER DEVELOPER AGREEMENT AMENDMENT: Desert Viking Res. #3686

APPROVED the first amendment to the Master Developer Agreement between the City of Chandler and Desert Viking Downtown Ventures, L.L.C. As specified in the Master Developer Agreement signed with Desert Viking on May 22, 2003, Desert Viking is responsible for bringing development projects forward to the City that will create quality redevelopment to the sites on a scheduled outline in the agreement. This amendment will extend the submission date for the Conceptual Development Plan to seven (7) months from the date of the initial agreement. There are no financial implications for this amendment.

41. NELSON v. CITY OF CHANDLER

AUTHORIZED the tender of the City's self-insurance retention in an amount not to exceed \$1,941,000.00 to the Insurance Company of the State of Pennsylvania who has agreed to accept the tender of the balance of the City's self-insured retention in exchange for the Insurance Company of the State of Pennsylvania assuming the responsibility for the defense of Nelson v. City of Chandler. The City of Chandler will deduct the costs already expended from self-insured retention and the payment to the Insurance Company of the State of Pennsylvania will not exceed \$1,941,000.00. Any future settlements or payments in this lawsuit will be the responsibility of the insurance companies. Also authorized the Risk Manager to sign any necessary documents consistent with this approval and in such form as approved by the City Attorney.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER ANDERSON, to approve the Consent Agenda as amended by moving Item #3 to the consent agenda. Motion passed unanimously 6-0.

ACTION AGENDA:

None

PUBLIC HEARINGS:

PH #1: 2003 Local Law Enforcement Block Grant (LLEBG)

Mayor Dunn declared the public hearing open at 7:50 p.m.

RANDALL GREELEY, Police Department Planning and Research Manager, stated that the City has been awarded a Local Law Enforcement Block Grant (LLEBG) from the Federal Bureau of Justice in the amount of \$57,572.00. One of the conditions that must be met to accept and receive funds is to hold an LLEBG Advisory Board meeting for the members to make non-binding recommendations to Acting Chief Neuman regarding the use of the funds. That meeting was held on September 3, 2003 and the Board agreed with the Department's proposed use of the funds. The Board is comprised of members of the Police Department, Chandler Court, the Chandler Prosecutor's Office, Chandler Unified School District and the Executive Director of ICAN.

The second stipulation for receipt of this grant is to hold a public hearing on the use of the awarded funds. That public hearing is being held tonight.

A matching grant of \$6,397.00 from local funds must be provided making the total value of the award \$63,969.00. The Federal award of \$57,572.00 is a decrease from the \$68,531.00 awarded in 2002 as a result of LLEBG funding being diverted to Homeland Security Grants from the Federal government.

The Department proposes to use the grant and matching funds as follows:

1.	Crime Lab Cameras and Lenses	\$15,000.00
2.	Lightsource SPEX Mini-Crimescope	9,000.00
3.	Property & Evidence Shelving	5,000.00
4.	LIMS Software/Hardware	4,000.00
5.	Crimeview Software Licenses	10,000.00
6.	Auto White Board	3,000.00
7.	Directed Patrol Crime Analysis Equipment	10,000.00
8.	SAU Equipment	<u>7,969.00</u>
	<i>Total Proposed Expenditures</i>	\$63,969.00

There being no speakers wishing to comment on this item, Mayor Dunn declared the public hearing closed at 7:53 p.m.

PH #2: Annexation: NEC Arizona Avenue & Appleby Road

Mayor Dunn declared the public hearing open at 7:53 p.m.

PLANNER THOMAS RITZ stated that this annexation request is being made for approximately 35 acres at the NEC of Arizona Avenue and Appleby Road. The City's General Plan Land Use Element designates this property as part of the Chandler Airpark Area Plan for Commercial/Office/Business Park. It is not within a flood zone and is outside the 55 DNL airport noise contour along Arizona Avenue.

The annexation incorporates into the City all property required for the Chandler First Baptist Church's new location with the property's western portion being zoned R-43 (Rural Residential) and the eastern portion zoned IND-2 (Light Industrial) in the County.

The property is currently farmed and is bordered by an LDS Seminary and Hamilton High School to the southwest and by the Union Pacific railroad to the east. Required improvements to the roadway and utility infrastructure will be constructed as part of this development.

There being no speakers wishing to comment on this item, Mayor Dunn declared the public hearing closed at 7:54 p.m.

PH #3: Annexation: SEC Riggs Road and Arizona Avenue

Mayor Dunn declared the public hearing open at 7:54 p.m.

PLANNER THOMAS RITZ stated that this is an annexation request for approximately 20 acres located south of the SEC of Arizona Avenue and Riggs Road which incorporates into the City all property required for the Gold Canyon Candle manufacturing facility. It is currently zoned IND-1 (Light Industrial) in the County.

The City's General Plan Land Use Element designates this property as part of the Southeast Chandler Area Plan for Mixed Use / Employment. It is not within an airport noise contour or a floodplain along Arizona Avenue.

The property is currently vacant bordered on the south by the Coleman Spa factory, on the north by Steward Electric and on the east by the Union Pacific railroad. The remaining surrounding property is vacant. Required improvements to the roadway; and utility infrastructure will be constructed as part of this development.

There being no speakers wishing to comment on this item, Mayor Dunn declared the public hearing closed at 7:55 p.m.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER ANDERSON, to approve the Consent Agenda as amended by moving Item #3 to the consent agenda. Motion passed unanimously 6-0.

A. Mayor's Announcements:

MAYOR DUNN announced that on September 20th at the Bank One Ballpark, a team of 3 Chandler Firefighters, Jason Underwood, Chris Estes and Shane Kelber, placed first in the 23rd Annual Cystic Fibrosis Stair Climb and 2nd Heroes Challenge for area fire departments.

THE MAYOR also announced the upcoming Domestic Violence Workshop to be held at the Chandler Center for the Arts on Saturday, October 4, from 8:30 a.m. to 4:30 p.m. He thanked Councilmember Westbrooks for his dedication and hard work on this project.

Celebration of Hispanic Heritage Month continues with the 3rd Annual Latino Film Night on October 3rd at 6:30 p.m. at the Chandler Gilbert Community Performing Art Center. Latino actress Elizabeth Pena will be a featured speaker. The 4th Annual Mano a Mano City Education Fair at the Chandler Public Library front courtyard from 4 – 10 p.m.

MAYOR DUNN wished VICE-MAYOR HUGGINS a happy birthday.

B. Councilmembers' Announcements:

COUNCILMEMBER WALLACE thanked Joe Garcia, Eddie Encinas, Nachie Marquez and City Staff for a very successful Mariachi Festival.

C. City Manager's Announcement:

ACTING CITY MANAGER PAT MCDERMOTT reminded everyone that the Chandler Historical Museum has reopened and encouraged citizens to visit the museum.

Adjournment: The meeting was adjourned at approximately 8:00 p.m.

ATTEST: _____
City Clerk

_____ MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 25th day of September 2003. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of _____, 2003.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, October 9, 2003 at 7:05 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

Also in attendance:

Pat McDermott	Acting City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Dave Bigos, Mark Eynatten, Garrett Newland, Chief Roxburgh, Patricia Walker, Dave Siegel, Doug Ballard, Acting Chief Neuman, Bryan Patterson

INVOCATION: The invocation was given by Pastor Forest Erickson – The Rock

PLEDGE OF ALLEGIANCE: Councilmember Caccamo led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Certificate of Achievement for Excellence in Financial Reporting

MAYOR DUNN asked Management Services Director PATRICIA WALKER to join him in presenting The Certificate of Achievement for Excellence in Financial Reporting to Cynthia Sneed. This is the 21st consecutive year Chandler has received this award for its comprehensive annual financial report. To be awarded a Certificate of Achievement, the City published an efficiently organized comprehensive annual financial report clearly communicating the City's financial activities during fiscal year 2001-02. It is the highest form of recognition in the area of governmental accounting and financial reporting and must be resubmitted for review on an annual basis.

2. Proclamation – Disabilities Employment Awareness Month

THE MAYOR was joined by the Mayor's Committee for People with Disabilities Vice Chair WENDIE MESSNER as he informed everyone that in celebration of Disabilities Employment Awareness Month, the Mayor's Committee for People with Disabilities will present a play entitled "Actual Lives – Candid Snapshots" on Monday, November 3rd at 7:00 pm at the Center for the Arts to be performed by the Improbable Theatre Company. The Committee is also preparing for its 8th Annual Chandler Golf Challenge scheduled for Friday, April 16, 2003, at the Bear Creek Golf course in south Chandler. Proceeds from these fundraisers will benefit the Chandler Special Olympics programs and the Committee's scholarship program. Mayor Dunn read a proclamation proclaiming the month of October as Disabilities Employment Awareness Month.

3. Proclamation – 2003 Domestic Violence Awareness Month

MAYOR DUNN was joined by COUNCILMEMBER WESTBROOKS as he spoke about the forum held on Saturday, October 4, by the Chandler Domestic Violence Local Coordinating Council. The Mayor recognized Susan Stevens-Clarke, a member of the Domestic Violence Council for her efforts. He also thanked Councilmember Westbrook and members of the City Council for the work they do on this very critical issue. Mayor Dunn read a proclamation proclaiming October 2003 as Domestic Violence Awareness Month.

MS. STEVENS-CLARKE thanked the Council for their support.

4. Tony Dibonito – Presentation Regarding Action & Reaction Concerning Car Crashes

MR. DIBONITO, 501 E. Ray Road, addressed the Council regarding the proper building of automobiles to avoid injuries in the event of an accident.

UNSCHEDULED PUBLIC APPEARANCES: None

CONSENT:

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY VICE MAYOR HUGGINS, to approve the Consent Agenda as amended by moving consent Item #18 to the Action Agenda. Motion carried unanimously 7-0.

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Special Meeting of September 22, 2003 and Regular Meeting of September 25, 2003.

2. ANNEXATION: Queen Creek/Gilbert/Lindsay Roads Ord. #3490

ADOPTED Ordinance No. 3490 annexing right-of-way of less than one (1) acre from Maricopa County located along Queen Creek Road between Gilbert and Lindsay Roads.

3. REZONING/PRELIMINARY PLAT: Victoria Manor Ord. #3491

ADOPTED Ordinance No. 3491 (DVR03-0014) Victoria Manor, rezoning from AG-1 to PAD Single-Family Residential for a single-family residential subdivision located on the north side of Riggs Road and the east side of 124th Street.

4. REZONING/PRELIMINARY PLAT: Vista Del Sol Ord. #3492

ADOPTED Ordinance No. 3492 (DVR03-0018) Vista Del Sol, rezoning from AG-1 to Single-Family District (SF-10) for a 12-lot single-family residential subdivision located south of the intersection of South 108th Way and Willis Road.

5. ANNEXATION AMENDMENT: SWC Gilbert/Queen Creek Road Ord. #3445

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3445 amending Section 1 of Ordinance No. 3441 for the purpose of correcting the property description for the annexation at the SWC of Gilbert and Queen Creek Roads.

Ordinance No. 3441 was approved in March 2003 annexing approximately 33 acres at the SWC of Gilbert and Queen Creek Roads into the City of Chandler. An error in the property description resulted in only 60% of the annexed property being shown on the annexation map included in the property description. It was the owner's intent and Council's understanding that the entire 33 acres be annexed when Ordinance No. 3411 was adopted. Ordinance No. 3445 will correct the description and allow the County to process the annexation for the entire 33 acres.

6. IRRIGATION EASEMENT: SRP

Ord.#3476

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3476 granting an irrigation easement to Salt River Project north of Willis Road and west of the Consolidated Canal. Due to the construction of the Santan Freeway, it is necessary to replace part of an existing open ditch irrigation facility and relocate with a piped facility. The replacement of this irrigation facility requires granting a new easement on City-owned property. The 211 square foot area for this easement is valued at one dollar (\$1.00) per square foot which staff has determined to be fair market value for the easement.

7. ANNEXATION: SEC Riggs Road and Arizona Avenue

Ord. #3493

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3493 annexing approximately 20 acres of property located south of the SEC of Riggs Road and Arizona Avenue at the request of the owner. This annexation incorporates into the City all the property required for the Gold Canyon Candle manufacturing facility and is currently zoned IND-2 (Light Industrial) in the County.

The City's General Plan Land Use Element designates this property as part of the Southeast Chandler Area Plan for Mixed Use / Employment. It is not within an airport noise contour or a floodplain.

The property is currently vacant and is bordered on the south by the Coleman Spas factory, on the north by Stewart Electric, on the east by the Union Pacific railroad and vacant land on the west.

A public hearing was held by the City Council on September 25, 2003 and Staff has received the original signed petition from the property owner. The request has been processed in accordance with the State Statutes governing annexations.

8. GRANT AGREEMENT AMENDMENTS: ADOT

Res. #3685

ADOPTED Resolution No. 3685, as recommended by the Airport Commission and Staff, authorizing grant agreement amendments with the Arizona Department of Transportation (ADOT), Aeronautics Division, extending the grant expiration dates to December 31, 2004 for Grant Numbers E1102 and E2F31. The City received two grants in 2000 (E1102) for apron construction and land acquisition and 2001 (E2F31) for the State's matching portion of a federal grant for heliport design and airport drainage study. The land acquisition and heliport design are completed, but to allow other projects to proceed, each of the grants require an amendment to

extend the expiration date to December 31, 2004. Grant E1102 has a balance of \$126,252.00 and E2F31 has a balance of \$12,056.00.

9. REZONING / PRELIMINARY DEVELOPMENT PLAN: Gym Time

CONTINUED to October 23, 2003 a rezoning request (DVR02-0038) Gym Time, for Planned Industrial District (I-1)/PAD Overlay to PAD for a children's gymnastics center along with a Preliminary Development Plan for building architecture and site layout located at 3705 West Commonwealth Avenue.

10. PRELIMINARY DEV PLAN / PRELIMINARY PLAT: Monterey Vista Village

APPROVED a Preliminary Development Plan (PDP03-0018) and Preliminary Plat (PPT03-0011) Monterey Vista Village for site layout and building architecture for an approximate 14.4-acre commercial development within a PAD zoning district at the NWC of Pecos and McQueen Roads. (Applicant: Susan Stewart, L.E.A.D.S. Inc.)

The property was zoned PAD Conceptual Commercial Uses as part of the Monterey Vista development in 1993. It is bordered to the north and west by the Monterey Vista residential development, to the south by an existing larger lot residential subdivision zoned single-family district (SF-33) and to the east by the commercial development Hamstra Square.

The proposed commercial development will include an anchor with in-line shops, retail pads and a CVS/Pharmacy designed to include various seating areas, walkway connections from the arterial streets and adjacent neighborhoods as well as internally within the site. The major tenant building is placed on an angle with pedestrian areas on either side. The pedestrian areas include project art features, ground and seating planters, theme lighting, landscaping, water feature, benches, tables and chairs. The in-line shop buildings on both sides of the major tenant building step back to further open up the pedestrian areas. The drive-thru lane for fast food "A" has been internalized and screened from Pecos Road.

The proposal provides 439 parking spaces which exceeds the code by 55 spaces. The comprehensive sign package is consistent with the Sign Code and the applicant has reduced the 29-foot wide monument sign to 20 feet.

At the Design Review Committee meeting held on September 8, 2003, discussions included the amount of concrete in front of the main buildings, the overall height of the architectural wrought iron spires and the lack of architectural detail on the west elevation of retail A and in-line shops 1. It was also noted that there appeared to be a lack of coordination between the landscape plans for Monterey Vista Village and the adjacent Hamstra Square development. As a result, the applicant incorporated landscape planters and scored concrete along the storefronts. Architectural details on the east and south elevations of Retail A have been added on the west elevation and architectural spires height has been reduced to relate more closely to the adjacent neighborhood. Landscaping has also been closely coordinated with the Hamstra Square to create a more unified intersection.

Stipulations were added regarding the bus shelter design to match the building architecture, the restriction of no illuminated signage facing the residential properties and a 20-foot trunk height for the proposed date palms at the intersection.

The site layout and building architecture conforms to the Commercial Design Standards and includes various pedestrian connections from the arterial intersection, the surrounding neighborhood and within the site.

The City Code permits one "high-turnover" use per arterial street which would allow for two on this site; however, staff supports three proposed "high-turnover" uses for this site because of the unique integration into the balance of the center. Fast Food A building is placed in a landscaped setting and has the drive-thru lane internalized. A condition has been added requiring three additional trees be placed adjacent to the screen wall and berming at Fast Food B building to further screen the drive-thru from McQueen Road.

Upon finding consistency with the General Plan and PAD zoning, Planning Commission and Staff recommend approval subject to the following conditions:

1. Compliance with original stipulations adopted by the City council as Ordinance No. 2401 in case Z93-068 PECOS & MCQUEEN.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "MONTEREY VISTA VILLAGE" kept on file in the City of Chandler Current Planning Division, in file number PDP03-0018, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. Three additional trees shall be placed adjacent to the screen wall and berming at Fast Food B to further screen the drive through from McQueen Road.
7. The landscaping shall comply with the Commercial Design Standards.
8. At the time that bus service is available, the bus shelter shall be designed to match the building architecture and materials.
9. All signage facing the adjacent residential properties to the north and west shall be non-illuminated.
10. The Date Palms located at the intersection shall have a 20-foot trunk height.
11. The perimeter landscaping shall be installed as part of Phase I.
12. Phase II shall include Fast Food A, Fast Food B, In-line 4, In-line 5, Retail C and Retail D as part of Parcel 2 and Parcel 3.

Planning Commission and Staff recommend approval of the Preliminary Plat subject to the following condition:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by the code or condition.

11. AGREEMENT FOR IT CONSULTING SERVICES: Datatek, Inc.

APPROVED an agreement with Datatek, Inc. for IT Consulting Services for a Lotus Notes Database Administrator and CJIS System Analyst, utilizing the State of Arizona contract, in an amount not to exceed \$100,000.00 and authorized the Mayor to sign the agreements. The Lotus Notes consultant is to perform several tasks including annual messaging audit, review Chandler's

Notes/Domino infrastructure, evaluate administrative practices and procedures, recommend change and perform administrative activities for the City. The CJIS analyst will be used to fill operational needs while current staff is working time critical projects. Use of the State contract eliminates the cost of going out for bid, reduces the lead time in obtaining services and results in a lower cost due to the State's purchasing power.

12. GRANT AGREEMENT: U.S. Department of Homeland Security

APPROVED a grant agreement with the U.S. Department of Homeland Security Office of Domestic Preparedness in the amount of \$100,000.00 to be used by the Chandler Fire Department to purchase equipment that will enhance the City's preparedness in the event of a Weapons of Mass Destruction incident.

13. 2004 BOND COMMITTEE APPOINTMENTS

APPROVED the following nominees to serve on the 2004 Citizen Bond Committee:

Jim Amdahl	Frank Peake	George Bressler	Jeanne Pitzen
Donna Devoe	Mary Poindexter	Don Faust	Ana Regalado
Glen Gorke	Leigh Rivers	Hugh Green	Melinda Romero
David Eske	Barb Ross	Ken Hanneman	Gwen Rusk
Phil Hettmansperger	James Ryan	Fred McCulloch	Ernie Serrano
Judy McCullouch	Daniel Smith	John McNelis	Sharon Spane
David Magana	Ted Stanny	Gary Manton	Dale Steiner
Tracy Markie	Dr. Noel Stowe	Irene Martinez	Denise Vaishville
Bob Maxwell	Tom Whitlock	Mike Palermo	Sandi Woods

The City of Chandler will tentatively hold a bond election on May 18, 2004. An integral part of the bond election process is the participation of a Citizen Bond Committee to review and identify the needs of the City for the bond election. The Committee will review the programs requiring financing in the next three to four years and make recommendations to Council based on their review prior to the election. Additional subcommittees may be required as staff continues to analyze projects requiring bond authorization.

Per City Charter, the nominations were submitted to Councilmembers not less than seven (7) days prior to this meeting. Staff has contacted each nominee to confirm their interest in serving and explained the role of the Committee and the time commitment necessary.

14. SETTLEMENT: City of Chandler v. Elliot Square, LLC

APPROVED a settlement in the amount of \$359,587.00 plus statutory interest, in City of Chandler v. Elliot Square, LLC, et al. This is a condemnation action in connection with the Dobson/Elliot intersection project. The City is acquiring roadway in fee, certain site improvements, an overhead transmission easement and temporary construction easement from a portion of a developed commercial center at the SEC of the intersection. The City acquired immediate possession of the roadway and easements on May 9, 2002. The City's appraisal valued the property being acquired at \$330,200.00, but the owner sought a substantially greater amount. Staff feels this proposed settlement amount is a fair and reasonable compromise.

15. SETTLEMENT: Paula Luna v. City of Chandler

APPROVED a settlement in the amount of \$30,000.00 in Paula Luna v. City of Chandler and authorized the Risk Manager to sign any necessary settlement documents consistent with this approval and in such form as approved by the City Attorney. Any additional settlement monies would come from other defendants in the litigation.

16. SUBORDINATION: 573 N. Evergreen Street (Fuentes)

AUTHORIZED subordination of the Homeownership and Downpayment Assistance liens on the property located at 573 N. Evergreen Street, Chandler, Arizona. The single-family, owner occupied home was sold under the Public Housing Homeownership Program in June 1999. Two liens were placed against the property totaling \$20,400.00. One lien is in the form of a non-amortized, deferred payment loan in the amount of \$15,300.00 and the other is in the form of a 15-year forgivable loan in the amount of \$5,100.00. The owners are in the process of refinancing the first mortgage on their home in order to reduce the interest rate and subsequent monthly payments. The total amount of the new loan would be approximately \$78,000.00. There will be no cash out to the owners. In order to obtain the loan, a subordination of the City's liens is required by the lending institution.

The City's liens are currently in second and third position and will remain so after the new loan. The property has an appraised value of \$120,000.00, which is more than the combined encumbrances of the City's liens and new first mortgage.

17. CLAIMS REPORT: Quarter Ending September 30, 2003

APPROVED the claims report for the Accounts Payable checks for the quarter ending September 30, 2003, which is on file in the Office of the City Clerk.

18. CONSTRUCTION CONTRACT: Layton Construction of Arizona

Moved to the Action Agenda.

19. CONTRACT: Cutler Repaving, Inc.

APPROVED a contract with Cutler Repaving, Inc. for one year with four one-year optional extensions, for asphalt repaving and approved the repaving of 4.5 miles of Ray Road from I-10 to the Price Freeway in an amount not to exceed \$1,291,229.00. This work will be done using hot-in-place recycling which is a technique used by Maricopa County and other valley agencies to reuse and restore asphalt pavement. This process is quick and provides the least inconvenience to the motoring public.

20. CONTRACT: Cholla Pavement Maintenance, Inc.

AWARDED a contract for one year with four one-year optional extensions, for asphalt rubber crack sealing to Cholla Pavement Maintenance, Inc. in an amount not to exceed \$178,500.00. This contract is for services only with the City providing the crack sealing material.

21. CONTRACT: Cooper Aerial Surveys Company

AWARDED a one-year, on-call contract to Cooper Aerial Surveys Company for aerial photography and photogrammetry services, Project No. EN0402-101, in an amount not to exceed

\$100,000.00 and awarded the first project agreement EN0402-102 for updating last years' data, in an amount not to exceed \$51,900.00. Services required this year and the following two years consist of updating city-wide aerial photography and geographic information systems support. These services are used to support the City's GIS system, provide design data for studies such as flood control, city growth, utilities systems, data for CIP projects, emergency services and master planning. This contract is for one year with two one-year optional renewals.

22. CONTRACT RENEWAL: Arizona Generator Technology

APPROVED a contract renewal with Arizona Generator Technology for generator maintenance in an amount not to exceed \$149,716.00. The City has 70 standby generators located at various City facilities and two prime generators at the City landfill with on-going requirements for maintenance and repair. The original contract was awarded November 1, 2001 and Staff has been satisfied with services received. The first contract extension was with no price increase. This second extension includes a \$5.00 per hour increase in labor rates for unforeseen repairs.

23. CONTRACT EXTENSION: TruGreen Land Care

APPROVED a contract extension with TruGreen Land Care for one year in the amount of \$283,806.00 for parks maintenance mowing and trash control service. The Parks Division currently contracts for turf mowing and trash control in 47 parks. Council approved a one-year contract with three optional one-year extensions in October 2002. TruGreen Land Care is requesting a price increase of 5% due to the increase in fuel and labor costs and an increase in frequency of service requested at Winn, Elgin and Hoopes parks. Staff is satisfied with services provided and is requesting a one-year extension which will avoid administrative costs associated with re-bidding.

24. PURCHASE: Purchase and Installation of Replacement Air Conditioning Units

APPROVED the purchase and installation of replacement air conditioning units at the Surface Water Treatment Plant from American Conditioned Air, Inc., utilizing the Mohave Education Services Cooperative Contract, in an amount not to exceed \$52,954.00. The motor control center buildings that house the electronic equipment for both the finished water pumps and the raw water pumps are air conditioned to ensure that the equipment operates properly. The current air conditioners are old and have been rebuilt several times. They now require replacement. By utilizing the Mohave Education Services Cooperative Contract, the cost of going out to bid is eliminated, the lead-time in obtaining the products is reduced and a lower overall cost is achieved.

25. WATER RESOURCES: Purchase of Central Arizona Project Incentive Recharge Water

APPROVED the purchase of Central Arizona Project (CAP) Incentive Recharge Water for a cost of \$785,500.00 as recommended by staff.

The 1980 Groundwater Management Act requires that cities demonstrate that they have an assured water supply (renewable water resource) for any proposed new growth and development. To assist the City in maintaining its designation of assured water supply, the City purchases surface water from the Central Arizona Water Conservation District (CAWCD), when available, on a year-to-year basis. Each year in the Capital Improvement Program, Staff budgets funds to purchase water for new growth and development (system development fees) and to meet future demands during drought (water user fees).

CAWCD has offered to sell CAP incentive recharge water, when available, to cities to offset groundwater pumping. On June 27, 1996, Council approved the Groundwater Savings Facility Agreement with the Salt River Project allowing SRP to receive and use CAP incentive recharge water purchased by Chandler. In return, the City will receive recharge credits for groundwater not pumped by SRP. Recharge credits are essential for Chandler to stay in compliance with the State's 1980 Groundwater Management Act. These credits will be used to support an assured water supply for future growth and development and offset groundwater pumping required to meet demand during times of drought.

Purchase of the CAP incentive recharge water will be accomplished through a partnership with SRP. Under this partnership arrangement, the CAP incentive recharge water is purchased at a reduced rate (\$70.00 per acre-foot) and SRP shares in the cost. SRP's cost sharing is based on what their cost would be to pump groundwater. SRP will pay \$15.00 per acre-foot and Chandler will pay \$55.00 per acre-foot.

Chandler will pay CAWCD \$55.00 per acre-foot and SRP will pay CAWCD \$15.00 per acre-foot. The cost to Chandler for 14,281 acre-feet of CAP water is \$785,500.00. If this water was purchased at normal CAP rates (not at the incentive recharge rates) and if the cost was not shared with SRP, the cost for 14,281 acre-feet would be \$1,513,786.00 (\$106.00 per acre-foot). The savings to the City of Chandler is \$728,286.00.

26. SOLE SOURCE PURCHASE: CAD and Fire RMS

APPROVED the sole source purchase of hardware, software and integration services for CAD (Computer Aided Dispatch) and Fire RMS (Records Management System) system enhancements from Northrop Grumman Public Safety, Inc. (PSI) in the amount of \$555,641.00.

The current CAD and RMS systems have been in place since 1990 and were last upgraded in 1997. The proposed upgrade will not only replace aging hardware to allow continuation of reliable operation, it will also provide more storage capacity. All existing data and programs will be migrated by the vendor with no interruption of dispatch operations. Changes will be made to existing Northrop Grumman PSI CAD and RMS systems software including migration of proprietary applications and data to new hardware as well as any programming and optimization and tuning needed to make all existing applications operate properly with the upgrade. Northrop Grumman PSI is the sole source provider for these services. This purchase includes equipment, delivery and all customization necessary for a turn-key package.

27. USE PERMIT: East Valley Habitat For Humanity

APPROVED a Use Permit (UP03-0040) East Valley Habitat for Humanity, to allow a single-family home to be built on a lot zoned MF-2 (Multi-Family Residential) at 217 E. Saragosa Street. (Applicant: Habitat for Humanity.)

Habitat for Humanity is a national non-profit organization that helps provide affordable housing to low-income families that intend to construct a single-family home in a MF-2 (Multi-Family Residential) zoning district which requires a Use Permit. The property is within an area designated by the Redevelopment Element land use plan for Residential-Medium Density which encourages new single-family infill, rehabilitation and medium density housing.

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Staff has received no correspondence from residents in opposition to the request.

Upon finding the subject property to be consistent with the General Plan and Redevelopment Element, Planning Commission and Staff recommend approval contingent on the following conditions:

1. Compliance with attachments, exhibits and representations.
2. Approval by the Zoning Administrator of all project details required by Code or condition.

28. LIQUOR LICENSE: Regal Beagle Sports Lounge

APPROVED a Series 12 Restaurant Liquor License (Chandler #300000595) for Cory David TerEick, Agent, CDT Phoenix, L.L.C., dba Regal Beagle Sports Lounge at 6045 W. Chandler Blvd., Ste. A-7. Recommendation for approval of State Liquor License No. 12075562 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of the license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. A new use permit is not required as this will be a continuation of the location's previous use as Howie's Pub and Eatery.

29. SPECIAL EVENT LIQUOR LICENSE: Seton Catholic High School

APPROVED a Special Event Liquor License for Seton Catholic High School for their Alumni Homecoming and After Game Party to be held October 24, 2003 at 1150 N. Dobson Road. Recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control.

30. FINAL PLAT: Tuscan Springs

APPROVED, a Final Plat (FPT02-0060) Tuscan Springs, for a townhouse development at the SWC Chandler Boulevard and Lakeview Boulevard. The property is adjacent to The Springs neighborhood and includes private driveways and a central community open space. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way. The request is consistent with the General Plan and PAD zoning.

31. See Public Hearing #3

32. See Public Hearing #4

33. SETTLEMENT: City of Chandler v. Kempster

APPROVED, as recommended by staff, settlement in the amount of \$140,000.00 plus statutory interest for a condemnation action to acquire right-of-way for the extension of Adams Street to Chandler Heights Road and for the widening of Chandler Heights Road at the intersection with Adams Street. The property affected is a 2.5-acre custom home residential site with equestrian facilities in which the City is acquiring the fee interest in 31,600 sq. of roadway plus certain site improvements. The City acquired immediate possession on May 8, 2002. The land was appraised for the City at \$1.49/sf while the owner submitted documentation supporting \$2.18 sf. The proposed settlement is for a compromised value of \$1.95/sf.

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY VICE MAYOR HUGGINS, to approve the Consent Agenda as amended by moving consent Item #18 to the Action Agenda. Motion passed unanimously 7-0.

ACTION AGENDA:

18. CONSTRUCTION CONTRACT: Layton Construction of Arizona

Municipal Utilities Director DAVE SIEGEL stated the current transfer station is located near the corner of Queen Creek and McQueen next to the Airport Water Reclamation Facility. The landfill is farther south on the northwest corner of McQueen and Ocotillo.

He stated the City completed a Solid Waste Business Plan in 1992 which outlined the need for a transfer station if a long distance haul was needed. There was concern at that time with the landfill closing because it was full, but through staff efforts and the inauguration of a recycling program, the landfill was able to remain open. The City also pays a compaction bonus for exceeding the normal compaction rate that also helps in extending the life of the facility. An engineering consultant regularly monitors the remaining air space on a quarterly basis. It was determined in the late 1990's that the landfill would be at capacity in 2005. In 1993, the Southeast Master Plan also showed the use of the transfer station just north of the current landfill.

Mr. Siegel explained due to the expectation of the landfill reaching capacity in 2005, some alternatives were presented in 1996 through a study. It was recommended that the City go out with a Request for Proposals to see if there were other landfills that the City could partner with and develop costs for developing a new landfill. It was also determined that a long haul would be needed to haul the waste to a landfill even if it was to a new City landfill and in the mid-1990's, it was determined that a landfill would have to be built away from Chandler due to the concerns of having it near developments. Partnering with Glendale was not feasible because of the distance.

After reviewing various alternatives, the City went out with Requests for Proposals and received two proposals with one being from Waste Management. In the fall of 1999, the Council approved a 25 year agreement with Waste Management to haul our refuse to the Butterfield Landfill about 36 miles from the current site. Two five-year extensions were included in the contract. The City felt this would be a good long-term solution for solid waste disposal.

The current transfer station was opened in 1999. The permanent walls and signage were constructed in the spring of 2000. On a weekly basis, approximately 100-200 residents come to facility to drop residential refuse. Waste Management trucks are also scaled at this facility. No Waste Management trucks go to the facility on weekends, but commercial, landscape contractors and approximately 400-800 residents go to drop off items. The traffic count on south McQueen is approximately 10,000 per day.

During the site selection, several factors led to the selection of this site, one of which is vehicular access. The 2nd leg of the Santan Freeway going to Arizona Avenue will open in 2004 which is being presented at the alternative route to the transfer station. In 2005, the leg between Arizona Avenue and Gilbert Road will open. Part of the Santan construction project will include the County operating McQueen Road from Pecos to Queen Creek taking the improvements to the intersection in front of the transfer station. This improvement includes a 6-lane highway with a concrete intersection to accommodate heavy trucks. The timing of the completion of the

improvements closely coincides with the opening of the proposed new facility. Other reasons this site was selected are that the City owns the land and it is off the end of the airport runway.

Mr. Siegel reviewed the Chandler Airpark Plan in relation to the development of the transfer station/landfill. He pointed out the areas designated for municipal use, open space, light industrial and commercial.

The Landfill Conceptual Open Space Plan was completed in 2000. It was a joint project between Community Services and the Public Works Department utilizing the public input process. It was also reviewed by the Parks Commission for their recommendation.

In April 2001, local developers in the area of the transfer station met with City Staff and as a result of that meeting, it was decided that all of the builders in the area should do a public awareness campaign. CAPA Director Nachie Marquez was the "point person" for the City. The developers met with City Staff on June 20th resulting in the Southeast Chandler brochure.

Also in 2001, Staff began receiving calls from residents indicating that developers told them the landfill would be closing in the next few years. That resulted in Staff at the facility erecting signs indicating the landfill would be closing in October 2005.

In 2002, architectural and construction Management contracts were approved for the design process. An open house was held on October 1, 2003 to show the citizens what the completed transfer station would look like. Postcards were sent to approximately 1500 residents informing them of the open house. It was also advertised on Channel 11 and on the City website. It was also advertised in the newspapers, through flyers at the mall and in the City libraries and facilities. Staff distributed flyers to those coming to the transfer station. Approximately 125 people attended the open house as a result of the extensive advertising.

Mr. Siegel reviewed the schedule for completion of the new project stating construction would be completed in two phases to maintain the operations of the existing facility as well as ensure that the new complex is in operation by February of 2005. The first phase will include utility relocations, demolition, temporary operational facilities, long lead procurement items, scales, scale house and extensive roadway and site work. The second phase will include construction of the four remaining buildings at the complex.

Staff proposes to bring all commercial and truck traffic off of Queen Creek Road using the current driveway for the Airport Water Reclamation Facility keeping residential and commercial separate. The residential users will continue to come off of McQueen to the south part of the facility and exit on McQueen.

The Phase I request in the amount of \$3.4 million is for all of the site work including underground utilities, demolition of the current residential drop-off area, temporary operational facilities and pre-ordering of long-lead items. Staff will be returning to Council in approximately four months to approve \$4 million in funds to construct the actual buildings.

MAYOR DUNN asked what is currently on the corner of McQueen and Queen Creek Road. Mr. Siegel replied that there is a large berm starting at the driveway, going north toward the intersection, wrapping around and tapering off as it nears the driveway currently serving the Airport Water Reclamation Facility. The landscaping was installed in 2000 to screen the site. This bermed area will not be changed. The berm is approximately 75 feet wide and 15 feet high.

The berm continues again by the driveway to the Water Reclamation Facility. Mr. Seigal added the water reclamation facility expansion was just completed increasing the capacity from five million gallons to 10 million gallons. It was master-planned in 1997 for 20 million gallons. A study has since been completed on the feasibility of increasing the capacity to 30 million gallons.

In response to another question by THE MAYOR, MR. SIEGEL stated that south of the water reclamation plant and the new transfer station is an open field adjacent on the west side of the canal. DOUG BALLARD stated that this vacant field is in the county, but as part of the Airpark Area is designated as light industrial. There are also emergency storage basins that will remain as such.

THE MAYOR requested that Mr. Siegel explain what is in the CIP program for the landfill once it is closed. MR. SIEGEL responded that the solid waste services group has approximately \$2-3 million budgeted. He stated when the landfill closes in October 2005, there will be 18 months to begin the permit process with the regulatory agencies and build the final cover for the facility. The City will continue to monitor the site as required by EPA regulations for 30 years after closure. There will also be some power generating plants established. In addition, there currently are monitor wells in the ground water and methane monitor wells along the perimeter to ensure that methane gas is not migrating away from the site. The previous methane monitoring system was the use of a flare. That flare is still operational when needed and is located at the main entrance along McQueen. There are two generators that collect gas providing power to the SRP grid.

Community Services Director MARK EYNATTEN addressed future use of the landfill for parks. In 2000, three options were reviewed for use of the landfill including installation of a series of grassy/landscaped areas, some passive open-space activities, a series of trails, group picnic areas, various overlooks, restrooms, dog park, children's play area, volleyball courts and a BMX facility. Development would not occur until 2007 given the estimated closing date and the 18 months necessary to complete the closure. PAT WALKER added that it would be done with bonds funds and would require authorization. It is estimated the cost for maximum development would be \$13.6 million.

Acting City Manager PAT MCDERMOTT clarified that the project is not included in the 2003/08 CIP. Management Services Director PAT WALKER confirmed that it is not in the CIP and would have to be added to the authorization which could be accomplished in the next budget cycle.

COUNCILMEMBER ANDERSON asked if the 18 months required for complete closure of the landfill was a state regulation. MR. SIEGEL responded that it is an EPA regulation also involving the State. Once the last load of waste has been hauled to the landfill, the City will have 18 months to do the permitting, design and construction to finish the closure.

CHRISTIAN WEEMS, 1690 E. Redwood, stated that the neighbors in the area of the landfill have not been taken into consideration. She purchased a home in February 2001 prior to which she did extensive research. She went to the airport and discussed their plans for any expansion that might occur. She also went to the City of Chandler and researched the future development plans for the area. She was told the water reclamation would remain and received a City map showing a park to be developed on the site. Ms. Weems continued that she felt deceived; that she had done her homework and would not have purchased her home if she had been informed of the proposed transfer station. It is unfair for residents to have to drive by trash trucks on a daily basis. The cities of Gilbert, Scottsdale and Mesa have no landfill or transfer stations. They take their refuse to the Salt River Landfill. The City of Tempe has a transfer station at 48th Street and

the river bottom in an industrial area away from residents. The City of Phoenix uses 27th Avenue and Lower Buckeye Road where there are no families living. She stated her concern that Chandler has grown a lot since the decision was made in 1999 to purchase the property when there were no homes in the area at the time. She asked the Council to deny the building of the transfer station at this location.

RICH MESEROLL, 2150 S. Arizona Avenue #1011 and will be moving to 3751 S. Senate Place, said he had also done his homework by going to the City and Fulton Homes and was only told the landfill would be closing in 2005 as stated on the sign at the landfill. The pamphlet distributed by the City about the area includes one sentence that the transfer station will remain open but does not refer to an expansion. There is no money to build the park and even if it were to be built, there are no funds to maintain it. If the City puts something in writing, they should be held responsible to get it done. It is hard to believe that Fulton Homes did not know about it and/or disclose the fact. The landfill should be signed for expansion rather than closure. This project should be put on hold and consider other options. THE MAYOR asked Mr. Meseroll if he assumed that with the closure of the landfill in 2005, the transfer station would also close. Mr. Meseroll responded that we was not knowledgeable about transfer station operations.

ROBERT GASTON, 3767 S. Newport Street, stated they have just moved into their house and were surprised with the lack of information disseminated about the transfer station. Considering that south is the only area that can expand in terms of the housing population, he asked why planning for the transfer station can't be changed by looking at projected population in that area. He stated the opinion that there had been plenty of time from 1999 when the plan was conceived, until now to see how the population has increased in the area. He suggested other alternatives such as partnering with Gilbert, Scottsdale or another municipality in the valley.

MICHELLE DALY, 1710 E. Redwood Place, pointed out that the speakers are not just speaking for themselves but also for spouses, neighbors and future homeowners. She stated about a year ago, while stopped at a stop sign at McQueen and Queen Creek, a gust of wind blew a piece of plywood off of a trash truck causing a near accident. Children play in parks in the area and should not have to worry about trash being in the park. She asked that further public hearings should be held and signage installed at the intersection to inform other homebuyers that may not be aware of the proposed expansion. She said a pamphlet was given to them when they purchased their home stating that a portion of the site would continue to be used as a solid waste transfer station and did not state that the station would be expanded or replaced. Ms. Daly asked the City to find the best solution for the entire city.

ANDREW KOPP, 1671 E. Redwood Place, stated that he has lived in Chandler since 1948. He stated the opinion that the project had not been thoroughly thought out and asked that construction be stopped and the use of the property be re-evaluated. He stated that in reading the pamphlet given to him by Richmond American when he purchased his home, there was mention of an operating landfill at Ocotillo and McQueen Roads, but not about the continuous use. The pamphlet also stated that it was a garbage and hazardous waste area. He said that since there are many children in the area, he felt the area should not be zoned for single-family development and pointed out the other surrounding area is zoned for light industrial. He asked if the City would be responsible for and pay for any long-term health problems the children may incur.

ANGELA RUCKER, 4438 S. Leoma Lane, stated that she polled her neighborhood, Symphony II, and from the responses she received it was apparent that they were not aware of the expansion. She was only aware of it through an article in the Arizona Republic. She stated before

purchasing her home, she talked with all the builders in the area and no one mentioned anything other than the landfills closing in 2005 and that a park would be built. She said there was not a sign stating the transfer station would be expanded and felt that this was deceiving to the neighbors. She said she would not have purchased her home with the knowledge of the expansion of the transfer station.

TONY DIBONITO, 501 E. Ray Road, spoke about contamination of the water and soil from the landfill.

MAYOR DUNN asked Mr. Siegel to review the process used when the decision was made to use this site and explain what is included in hazardous waste collected at the site. MR. SIEGEL stated that chlorine gas is kept at the adjoining water treatment plant, but they are exploring the option of not using it in the expansion. He stated some of the types of materials accepted at the station are pool chemicals, household cleaning products, herbicides, paint, cleaning solvents, computers, and tires. Most of the items which are found in households and garages. He added that items not recyclable are taken out by a contractor and not stored on the site. He commented that currently Chandler holds two Household Hazardous Waste Collection events each year at the Public Works yard.

Mr. Siegel reported a consultant was hired to review the feasibility of partnering with other cities, but it was not cost effective to haul waste more than 20 miles. Other transfer stations have been researched with the one at Sky Harbor being the closest at 16 miles from the Chandler downtown area. He added the Lone Butte facility only accepts commercial and no municipal waste. Mr. Siegel stated a contractor is proposing to build a new transfer station by Sossaman, east of Chandler, that would also be 16 miles away. He stated that even if we used one of those facilities the issue is the waste would be hauled 16 miles in the wrong direction from Butterfield. If we were to direct haul from Chandler, we would need to double the fleet of trucks because of travel time down to Butterfield and back. This would increase rates for all citizens.

When the decision was made to build the transfer station and the contract with Waste Management was finalized, Staff reviewed the Butterfield option, but felt it was too cost prohibitive. Studies showed that if the City were to build it's own landfill, it would be \$10 a ton more for that option. MAYOR DUNN said that he recalled the discussions regarding siting of a new landfill in southeast Chandler and it was felt that it would not be appropriate with the development of the community.

COUNCILMEMBER ANDERSON commented that by having the transfer station, the City is saving approximately \$30 million over the life of the contract. Councilmember Anderson asked what types of plans have been made to address any traffic concerns running north along the road.

MR. SIEGEL replied that he was informed by Mr. Cooks staff that a temporary traffic light would be installed at that intersection and that the proposed six lane McQueen Road will be built and completed about the same time the transfer station is proposed to be.

Assistant Public Works Director / Transportation & Operations DAN COOK stated that the McQueen Road project from Queen Creek to Pecos connecting with the interchange at the Santan Freeway, will possibly be the preferred route of the over the road hauling trucks going to the Butterfield Landfill. The collection trucks will be coming in to the transfer station from the part of the city they are collecting in and will be doing that regardless of what we do with the landfill. The McQueen Road widening project, which will be starting in April 2004 with completion

scheduled for August 2005, will alleviate some of the traffic congestion. He confirmed a temporary signal would be installed at McQueen and Queen Creek within the next several months to help with traffic flow on McQueen.

In response to a question from COUNCILMEMBER ANDERSON, Mr. Siegel stated that without doing an analysis, he would say that costs would nearly double with Waste Management if we had to direct haul to Butterfield which would be borne by all Chandler residents.

COUNCILMEMBER ANDERSON inquired if there would be any new information coming forward if this request were continued. MR. MCDERMOTT responded that no new information would be coming forth. Staff had reviewed the project for a long time and felt it was a good location for the transfer facility and was the most cost effective. He reiterated that there would be fewer trucks on the road under this scenario and they would travel off of Queen Creek, however there still would be trucks on McQueen because they are servicing southeast Chandler. He added that there does not appear to be a better place to go in Chandler and everything outside of the city limits is at a significantly higher cost. There are other landfill opportunities, but that did not solve the transfer station issue. He stated that staff felt comfortable with the site as trash would be unloaded inside the facility and not outside as is currently done. It would be set back from the road and should be a relatively low impact facility.

VICE MAYOR HUGGINS asked Staff to explain the differences in the current transfer station and the new one. DAVE SIEGEL replied that the main advantage of the new one would be that it would be all enclosed. He said the only time there would be trash overnight would be on the weekends for residents. Staff expended much time and effort in the design of the facility and it will be an asset to the area. He added that currently the roll-offs are visible from Queen Creek Road and would be eliminated leaving only the building visible.

COUNCILMEMBER CACCAMO asked if the development of the park could be expedited as the landfill closes. PAT MCDERMOTT stated that the capital side could be expedited by going to the voters for approval; however, the issues related to the landfill closure time cannot be expedited because of EPA regulations. He said that there had been a postponement of certain projects due to operation and maintenance issues, so it would be a matter of prioritizing projects. If the voters approve it, it would fall back to the annual prioritization process with the budget.

MAYOR DUNN clarified that the project has to go to the bonding authority to build the amenities but we would still have to find the money for operation and maintenance.

In terms of timing to get the issue on the May ballot, PAT WALKER stated that the first step would be to have the Citizen Bond Committee review it and make recommendations to Council. In January, the Council approves what goes on the ballot. There is time to discuss it, have the Committee review it, have Council discuss it and make the decision in January. MAYOR DUNN stated that he would like this included in the Bond Committee discussions and continue the process for possible inclusion on the May ballot.

COUNCILMEMBER WALLACE asked Ms. Walker how often the City holds a bond election. Ms. Walker replied that we typically have had a bond election every three to four years. Councilmember Wallace stated that if the landfill closes in October 2005 and we have 18 months to finalize the work, we would be into 2007 before those bonds funds would be expended. Ms. Walker responded that we look ahead three to four years depending on the projects. There are some projects included in the upcoming election recommendations that are in 2007-08. It is a matter of choice on whether or not Council wants it included in the election even though the

authorization can be carried farther. Councilmember Wallace commented that since there has been so much information disseminated, it should be discussed at this time.

MAYOR DUNN asked if we could add additional members to the Bond Committee. Ms. Walker responded that additional members could be added. The Mayor asked that anyone who would like to be included on the Committee to please notify any member of Council or Staff.

COUNCILMEMBER WESTBROOKS asked the citizens present if their understanding was that the present transfer station was going to remain as is or if it was to be closed. The response from the neighbors was that they thought it would be closed. Councilmember Westbrooks addressed the issue of having proper signage displayed and ensuring the correct information is posted. It also appears that the neighbors do not understand the extensive research that has gone into the selection of this site for the new transfer station and asked about the information that was distributed at the recent public hearing. MR. SIEGEL stated that the recent meeting was an open house to show the neighbors what the project would look like and not a public hearing. There was a large attendance and it was evident at that meeting that many of the neighbors were not in favor of the project. Councilmember Westbrooks asked if a continuance would hinder the time frame for completion of the project. Mr. Siegel stated that the original plan was that the facility would be completed in November 2004 to allow a year for a gradual transition. Because of aesthetic issues, the process has been significantly delayed. Staff is now anticipating completion in January or February 2005. He said that if we continue to dump 100% in our landfill, it would close sooner which would create a financial burden on Chandler residents because the rates would have to increase to cover the cost of hauling to Butterfield.

COUNCILMEMBER ANDERSON asked what would happen to the landfill itself if it reaches 100% capacity and if the landfill actually rise to accommodate the additional waste. Mr. Siegel confirmed Councilmember Anderson's observations. If there were a substantial delay, the landfill would be full sooner based on the current, approved ADEQ facility plan. The plan can be amended, but it is not recommended by staff to do so. A two-week continuance would not be detrimental.

COUNCILMEMBER BRUNO commented that a two-week continuance might not be enough time. There could be more people who are not yet aware of the project. She added the opinion that there should be proper signage posted at the site informing citizens that the transfer station would remain open. She commented that when the decision was made to site the landfill/transfer station at this location, if there had been any doubt by Council at the time regarding health or environmental risks, the other property would not have been zoned residential. The homeowners have done their research, but information regarding the landfill or transfer station was not disclosed by the builders.

MAYOR DUNN agreed that the City needs to be sure that proper signage is placed on any City facility construction. When the Fulton project was presented across the street from the landfill, it was discussed. The landfill will require continuous monitoring because of what is happening below the surface. Staff felt at that time, and is still of the opinion, that the landfill will be a "good neighbor" and does not create a hazard or risk.

A MOTION WAS MADE BY COUNCILMEMBER WESTBROOKS to continue the construction contract for Phase I of the Construction Manager at Risk project to Layton Construction of Arizona for the Solid Waste Services Complex located at 3200 South McQueen Road, Project No. SW0302-401 in the amount not to exceed \$3,470,814.00 until the next council meeting to

allow for more public discussion and education. The motion was SECONDED BY COUNCILMEMBER ANDERSON.

MAYOR DUNN again clarified with the City Manager that a two-week continuance would not jeopardize the narrow window of opportunity available to change course and deal with the demands placed on Council and Staff in regards to handling the collection of solid waste. MR. MCDERMOTT confirmed that two weeks did not present a problem, but beyond that would put us in a situation of not being able to utilize the transfer station to divert some of the waste to the new landfill and would fill our facility faster. If we did not have the transfer station ready, we would be doubling our cost to haul to Butterfield and we do not know if our contractor would even be able to fulfill such a commitment.

COUNCILMEMBER BRUNO asked what would be happening over the next two weeks. MR. MCDERMOTT stated there would be meetings with neighbors to discuss the issues to try to explain what the transfer station is or isn't and how it will or won't impact the neighborhoods. He stated the need to have the citizens informed and that Staff would not make a recommendation that would be detrimental to neighborhoods. MAYOR DUNN stated that it needed to be made clear that this continuation is for the purpose of having dialogue with the public. There is no other option being presented by Staff.

COUNCILMEMBER WALLACE reiterated that what comes forward in two weeks will not change and read the following paragraph from a Southeast Chandler pamphlet put out in approximately July 2001:

"It is estimated that the landfill will close in 2005 or 2006. At that time, the City will cap the landfill and turn the area into an open space recreational area. However, no specific plans as to what will be located at the landfill have been made. Because of the nature of landfills, this will not be a highly landscaped area, but more likely will incorporate trails and other open space amenities. A portion of the site will continue to be used as a solid waste transfer station."

MOTION TO CONTINUE THE ITEM for two weeks CARRIED BY MAJORITY (5-2) with VICE MAYOR HUGGINS AND COUNCILMEMBER WALLACE voting no.

MAYOR DUNN directed Staff to set up neighborhood meetings to further educate the citizens.

RECESS: Council recessed at 9:05 and reconvened at 9:15.

PUBLIC HEARINGS:

PH #1: Annexation: NWC Ocotillo Road and the Consolidated Canal

Mayor Dunn declared the public hearing open at 9:20 p.m.

PLANNER THOMAS RITZ stated that this annexation request is being made by the owner of approximately 30 acres at the NWC of Ocotillo Road and the Consolidated Canal. The City's General Plan Land Use Element designates this property as part of the Airpark Area Plan for light industrial. The property's north portion lies within the 55 DL noise contour but is not within a floodplain.

The property is currently vacant and property to the north, west and south is being farmed. The Consolidated Canal is to the east with the City's landfill beyond that. The Fire Department has noted the need to remove all grass and weeds in excess of six inches in height.

The property is served by a 16-inch water line in Ocotillo Road and required improvements to the roadway and utility infrastructure will be constructed as part of this development.

There being no speakers wishing to comment on the item, Mayor Dunn declared the public hearing closed at 9:21 p.m.

PH #2: Annexation: SEC Lindsay Road and Chandler Heights Road

Mayor Dunn declared the public hearing open at 9:21 p.m.

PLANNER THOMAS RITZ explained that this is an annexation request by the owner of approximately 70 acres of land at the SEC of Lindsay Road and Chandler Heights Road that would incorporate all the property required for a proposed single-family residential subdivision into the City. It is zoned R1-10 (Single Family Residential) in the County.

The City's General Plan Land Use Element designates this property as part of the Southeast Chandler Plan for low density residential and is not within an airport noise contour nor within a floodplain.

The property is currently farmed and bordered on the west by the proposed Old Stone Ranch subdivision, on the south and east by large-lot single-family residential. To the north is the future location of the Chandler Groundwater Recharge Project.

The property is not served by City utilities and requires improvements to the roadway and utility infrastructure to be constructed as part of this development.

There being no speakers wishing to comment on the item, Mayor Dunn declared the public hearing closed at 9:22 p.m.

PH #3: Declaration of Slum Area in Downtown Chandler

Mayor Dunn declared the public hearing open at 9:22 p.m.

Economic Development Director GARRETT NEWLAND explained that this item is to declare an area in downtown Chandler as a slum area. The area referenced is Site 7 which is bounded by Chandler Boulevard on the north, Arizona Avenue on the west, Buffalo Street on the south and two blocks east to Colorado Street. Law requires that an area be declared a slum area to allow the City to utilize redevelopment authority in these areas. In 1984 and again in 1986, the City of Chandler adopted resolutions declaring certain areas of the community as slum or blighted areas in need of redevelopment.

Early in 2003, legislative changes were made modifying the redevelopment law. One of the changes was that a slum or blighted area designation could terminate after ten years unless substantial action has been taken to remove the slum and/or blight condition. Based on these changes, Staff felt it would be beneficial to revisit, and if appropriate, update and amend its prior declarations and findings of slum or blight for areas within the original redevelopment area.

URS Corporation was retained to review the current conditions of Site 7 which was a portion of the broader area declared to be slum and/or blighted area through previously adopted resolutions. URS Corporation was assisted by Staff with preparation of a report entitled "Evaluation of Current Conditions of Site 7 Under Applicable Redevelopment Law". The report indicates that Site 7 meets the definition of a "slum area" under applicable redevelopment law. Staff feels redevelopment of the site is necessary in the interest of the public health, safety, morals or welfare of the citizens of Chandler.

Affected property owners in the area have been given notice of the proposed action by first class mail and Staff has directly contacted each of the property owners regarding the proposed action as required by the amendments. A requirement that City Council adopt Resolution 3687 by a two-thirds vote was also included in the amendment. Staff will be returning to Council in the next several weeks with a formal redevelopment plan which is also a new requirement.

VICE MAYOR HUGGINS inquired about the ownership of the property. Mr. Newland stated that all of the property owners have been contacted and understand and agree with the action.

COUNCILMEMBER BRUNO asked how the property owners felt regarding this designation. Mr. Newland said that one property owner, Chuck Shell from Chandler Chevron, was on the Council during the time that the original slum and blight designation was made and understood the redevelopment law requirements. We are working with another property owner, Food Maker Corporation / Jack-In-The Box, for another location within Site 7. William Zamora, owner of Guedo's Taco Shop, indicated that he understood the action and the City is working with him on a potential expansion plan.

There being no speakers wishing to comment on the item, Mayor Dunn declared the public hearing closed at 9:25 p.m.

31. DECLARATION OF A SLUM AREA IN DOWNTOWN CHANDLER Res. #3687

A MOTION WAS MADE BY COUNCILMEMBER WALLACE, seconded by COUNCILMEMBER CACCAMO to adopt Resolution No. 3687 declaring the existence of a slum area and finding that the redevelopment of such slum area is necessary in the interest of the public health, safety, morals or welfare of the residents of the City of Chandler. Motion carried unanimously (7-0).

PH #4: Reducing Outside City Water Rates

Mayor Dunn declared the public hearing open at 9:25 p.m.

Tax & Utility Services Manager LAURIE STEVENS stated that Council adopted a Notice of Intention to reduce the outside city water rate differential from 1.8 to 1.6 times the inside City rates. It is required by State Statutes that a public hearing be held not less than 30 days after adoption of the notice and prior to the final adoption of the ordinance changing the rates. The differential charged to out of city customers is due to the risks involved in serving them which include our inability to impose taxes as well as the potential for stranded investments if they should choose to leave the system.

The annual update of the Water and Wastewater Financial Planning Model, which compares cost to revenue to determine what our rates need to be, indicates that the differential for water service should be lowered. There are currently 970 customers residing outside the Chandler city limits

receiving water with the majority being single-family residential. The proposed reduction will be reflected in the water bills of approximately \$5.60 per month.

Ms. Stevens explained that some of the areas outside the City limits being served are a county island near Dobson and Warner, but are typically farther out to the south.

There being no speakers wishing to comment on the item, Mayor Dunn declared the public hearing closed at 9:29 p.m.

32. CITY CODE AMENDMENT: Outside Water Rates Ord. #3478

A MOTION WAS MADE BY VICE MAYOR HUGGINS, SECONDED BY COUNCILMEMBER WESTBROOKS to Introduce and tentatively approve Ordinance No. 3478 amending Section 50-11 of the Chandler City Code by reducing outside city water rates.

COUNCILMEMBER ANDERSON asked what the additional charges cover for outside City customers. Ms. Stevens responded that it is based on the cost to provide the service. Each customer is not looked at individually but rather as a group. Distance from the boundary is not a consideration when determining the differential. At one point, the outside City rates were doubled the inside City rates. We have been able to gradually decrease the rates.

VICE MAYOR HUGGINS stated that County residents do not pay any City taxes or local property taxes. COUNCILMEMBER WALLACE added that they are not paying for any of the infrastructure that citizens of Chandler pay for. MS. STEVENS clarified that the infrastructure is paid for by the rates, so they are paying for the infrastructure.

MOTION to introduce and tentatively adopt Ordinance No. 3478 CARRIED UNANIMOUSLY (7-0).

BRIEFING:

1. Bond Election:

Management Services Director PAT WALKER began by explaining the need for a bond election by stating that Arizona state law requires that voters must authorize and approve the selling of General Obligation or Revenue Bonds to fund major projects or infrastructure. Staff has completed the analysis of the required bond authorization to fund future projects and there are some issues that will need to be dealt with before the election and Council and the Citizen's Bond Committee will be briefed by Ms. Walker at a later date.

Ms. Walker stated the total proposed bond election is for \$166,440,000.00 which does not include the transfer station/park discussed earlier this evening. By adding those numbers, the total bond election would be for approximately \$180,000,000.00.

Currently the following amounts are earmarked for this bond election:

➤ Parks Projects	\$26,020,000
➤ Museum Projects	\$22,355,000
➤ Public Safety – Fire	\$ 6,650,000
➤ Public Safety – Police	\$15,295,000
➤ Street/Transportation	\$59,580,000

➤ Water/Wastewater	\$36,580,000
➤ Airport	\$ 50,000

Approximately \$70,875,000 of the bonded amount will be for growth related projects paid by impact fees. Many projects must be completed before impact fees are received. There is a need to have the cash "up front" and in order to do that, the City has to sell bonds and repay them through impact fees. This bond election will be the largest in Chandler's history. The bond election in September 2000 was for approximately \$127,000,000.

This bond authorization includes projects approved in last year's CIP and in June, the CIP for projects 2004/05 through 2006/07 were adopted. There are a few projects that will overlap the 2006/07 time frame and the 2007/08 authorization is needed for completion which has been included in this authorization.

The museum project was expanded from what was submitted in the CIP. It was originally submitted as a 25,000 sq. ft. facility at a cost of \$4.2 million and is now in the bond authorization recommendations for about \$22.3 million and approximately 60,000 sq. ft. There is also a recommendation to review the airport for an 800 ft. runway extension at a cost of approximately \$1,000,000 for the entire project, but only requiring authorization of \$50,000 because of a required match from the City.

Important dates for the election are:

➤ October 27	Citizen Bond Committee Meeting
➤ October 27 to December 5, 2003	Sub-Committee Meetings
➤ January 5, 2004	Citizen Bond Committee Recommendations presented to Council by Committee Chair
➤ January 22, 2004	Call of Election by Council
➤ May 18, 2004	Bond Election

Each year, funding of capital projects is reviewed along with the financial projections and assumptions made to determine the financial impact. For projects paid by property taxes, estimates are made on what assessed value is going to be, what interest rates will be and the amount of bond sales needed to be made. Ms. Walker stated that in looking at 2004/05 through 2007/08, in 2004/05 there is a 6% increase in assessed value, 2005/06 a 10% increase, 2006/07 a 5.5% and 10% in 2007/08. Because of the County Assessor's two-year freeze on residential property, every other year will be a higher percentage of assessed value growth. She projected the property tax would not increase over the \$1.28 per one hundred dollars of assessed valuation as a result of the bond election for the next four years.

Ms. Walker reported that they also look at capacity. State law dictates how much a municipality may have in outstanding debt using a formula based on assessed value. The City can only have outstanding principal debt for general obligations bonds (GOB) up to 20% of assessed value for water and wastewater projects, streetlight projects and parks and recreation facilities. Other projects such as street construction and improvements, public safety (police & fire), library, museum and airport to 6% of assessed value.

Chandler has adequate 20% coverage; however, we are predicting an overage in 6% capacity of \$26.9 million in 2006/07. This overage is not just a result of bond sales in 2006/07, but also from a prior outstanding debt.

Ms. Walker continued in saying that part of the capacity issue is a result of having to sell bonds that are used to fund impact fee projects. In 2006/07, we are looking at selling \$19 million in the 6% capacity for growth related projects with the majority being for street projects. With the build-out projections being sooner than predicted, we now have to get the streets in and the impact fees have not been collected, so we must sell the bonds to fund them upfront. This issue will have to be reviewed by the Bond Committee as well as Council. She added that projects will need to be prioritized. Projections are based on assumptions that there will be growth which has been included, but we won't have enough additional growth to make up the \$26.9 million shortfall.

COUNCILMEMBER BRUNO asked how this would effect the authorization for \$180,000,000 in bonds if we are at capacity now. MS. WALKER responded that the \$26.9 million is included in the \$180,000,000. When we get to 2006/07, if everything remains the same, we would not be able to sell \$26.9 million worth of bonds. We would have the authorization, but we don't know how long before having to make up the difference. It depends on how assessed values increase and how far out we can do it. She commented the Council and the Bond Committee need to review the projects within the 6% capacity and determine if we want to move some out, decrease them or eliminate them.

COUNCILMEMBER WALLACE stated that it would have to be clear to the public that they are authorizing more than we have bonding capacity for. Ms. Walker confirmed Ms. Wallace's observation and added it would need to be an educational process to move forward with that much of a capacity issue. Some of the projects may have to be postponed if there are no operation and maintenance funds.

MAYOR DUNN interjected that bonding only pays for capital. Operation and maintenance cannot be included and is a separate issue. COUNCILMEMBER WALLACE referred to a high school that was built in a neighboring community without operating funds and was empty for more than a year.

COUNCILMEMBER ANDERSON asked if we have ever gone to a citizen's committee and asked for a bond issue that has an overage of our capacity. Ms. Walker was not aware of an instance where that has happened, but it could have happened unknowingly. Councilmember Anderson clarified that any item on the bond relating to water, wastewater, street lights, parks and recreational facilities will not cause an overage, but the capacity would be taxed at 6% on street construction, public safety, library, museum and airport. Ms. Walker confirmed Councilmember Anderson's comments.

Councilmember Anderson continued that if all of the items went through the system and were approved by the Citizen's Committee, appeared on the ballot and were all passed, we would be short approximately \$26 million in paying the operations and maintenance in this area. Ms. Walker clarified that it would not be paying for but rather unable to sell that amount of bonds.

COUNCILMEMBER BRUNO added that with regards to the museum project, it grew from \$4.3 million to \$22,355,000 because of a possible opportunity to partner with the Heard Museum and the Basha Collection. Ms. Bruno commended Ms. Walker on her conservative assumptions allowing for bonding capacity. MAYOR DUNN explained that the Heard Museum project has not been finalized and the number may decrease depending on the participants.

MS. WALKER continued that as part of the annual budget and CIP process, the impact that capital projects have on operating funds are always reviewed. She stated that Chandler is in the enviable position of not facing layoffs or cutbacks in our budget, but noted that the City has

always been proactive and have not had to make reactive budgetary decisions resulting in fiscal stability. She added that Council has taken a proactive approach by putting into place financial policies and addressing financial issues as they arise.

She reported that based on conservative revenue projections, there is a potential shortfall of up to \$6 million in 2005/06 and continues to increase. Included in the \$6 million is approximately \$4 million of operations and maintenance for projects that will be built in 2004/05.

An annual analysis is also performed on the shortfalls faced in highway user and lottery funds. In 2002/03, approximately 14 positions were moved into the general fund preventing the funds from being in deficit. There is remaining capacity for selling highway user bonds instead of street general obligation bonds; however, we do not have the revenues to pay the debt service.

Ms. Walker reported that there is a potential water rate increase of 2% in 2006/07 based on the assumption of revenues and proposed projects and the operation and maintenance increases. The last increase was 1994.

MAYOR DUNN asked Ms. Walker how our bonding capacity compared with other valley cities. Ms. Walker responded that on a per capita basis, Chandler was one of the lowest. The Mayor emphasized that this is a large amount and voters have been supportive in the past. He stated the approach of having separate questions is good to allow citizens to choose what they want and not be compelled to approve or not approve the entire request. He commented the City has been very conservative and does not ask for bond sales unless the funds are absolutely necessary.

There was discussion regarding whether there would be additional election costs to the May election by including the bond question on the ballot. City Clerk MARLA PADDOCK explained that if there was a runoff election in May, including the bond question on the ballot would not increase the \$80,000 cost. COUNCILMEMBER ANDERSON asked if we would be saving \$80,000 if the bond question were to be put on the March ballot and a runoff was not needed in May. Ms. Paddock confirmed that it would save the \$80,000 in election costs.

COUNCILMEMBER ANDERSON asked if the bond election could be moved to March. Ms. Walker responded that it would be very difficult with the 120-day notice of election and 105-day bond ballot language, but we would have to review the calendar. She stated her concern in allowing enough time for the Citizen Bond Committee to thoroughly study the issues.

MAYOR DUNN stated that there may be another potential item on the May ballot, depending on the decision made by the Legislature, which would be the extension of the half-cent tax on the Regional Transportation Plan. Ms. Paddock said if that were the case, the City would only have to pay part of the election cost if we were to have an issue included on the ballot with a Countywide election. There would be no cost to the City for a County-wide issue only. She reiterated that if the issue were to go on the March ballot, it would move the time-line up 60 days.

COUNCILMEMBER WALLACE said that she asked the same question months ago when the bond election was being considered and was told that the half-cent sales tax election would be on the ballot in May. Ms. Walker stated that it is less costly to put the question on a city election ballot than to have a stand-alone election. The May election was chosen to allow enough time for citizen input because comments from the last bond election were that there was not enough time for citizen education. MAYOR DUNN commented that by having the sales tax question on the ballot at the same time, voter turnout may also increase.

THE MAYOR asked that any additional names for the Citizen Bond Committee be forwarded to any Councilmember or the Clerk's office. The additional appointments would be made at the October 23rd council meeting.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN recapped the recent Latino Film Festival event with special guest actress Elizabeth Pena. It was held in the theater at the Chandler/Gilbert Community College and very well attended.

The Chandler Leadership Forum was held focusing on the build-out of the City allowing citizens to express their opinions. The Mayor thanked Cynthia Dunham and Councilmember Bruno for organizing the forum and everyone who attended and participated.

The results of the Leadership Forum were given to Council for discussion at their retreat where the issues of build-out, sustainability and the financial challenges to meet the goals. The Mayor thanked Council for their participation in this positive discussion.

MAYOR DUNN announced that the Fall Rhythm Fest will be held Saturday, October 11, 4-9:30 p.m. at Tumbleweed Park. The bands Azz IZZ, Turning Point and the Groove Merchants will perform followed by a fireworks show.

MAYOR DUNN invited everyone to visit the Chandler Museum as it has recently been re-opened after being closed during the summer for renovations and cataloging of items. The museum is open Tuesday through Sunday from 11:00 a.m. to 4:00 p.m. and admission is free.

B. Councilmembers' Announcements: None

C. City Manager's Announcement: None

Adjournment: The meeting was adjourned at approximately 10:05 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 9th day of October 2003. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of _____, 2003.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, October 23, 2003 at 7:05 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

Also in attendance:

Pat McDermott	Acting City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Nachie Marquez, Mark Eynatten, Patricia Walker, Dave Siegel, Doug Ballard, Acting Chief Neuman, Bryan Patterson, Chief Roxburgh, Garrett Newland

INVOCATION: The invocation was given by Rev. Ray De Lang – Christ's Community Church

PLEDGE OF ALLEGIANCE: Vice Mayor Huggins led the Pledge of Allegiance.

MAYOR DUNN suggested that those citizens in attendance for action item #41, Gym Time, go to the overflow room in the Senior Center to allow those present for action item #40, Solid Waste Transfer Station, to be seated or be present in the room. After the completion of item #40, there will be a recess to have those citizens exit and allow those in attendance for item #41 to come in. THE MAYOR also suggested that the Public Hearing be presented before action item #40.

SCHEDULED PUBLIC APPEARANCES:

1. Exceptional Merit Awards

THE MAYOR, joined by Public Works Director BRYAN PATTERSON, presented an Exceptional Merit Award to Street Maintenance Coordinator REX HARTMANN for his work in coordinating and executing the City's arterial residential street paving contracts. MR. HARTMAN has planned and executed over \$2 million worth of paving throughout the City and displayed tremendous dedication and effort in notifying residents of impending construction, ensuring streets were clear for repaving and coordinating with contractors to minimize disruption to citizens and businesses. The 2002 and 2003 programs received high praise from the citizens for the quality of work, minimal disruption during construction and the final product.

Community Services Director MARK EYNATTEN also presented an Exceptional Merit Award to Production Coordinator at the Center for the Arts DEAN HANNULA for his outstanding work on the replacement of the Center for the Arts Audio systems. He used his professional contacts to have the Center's needs analyzed by a vendor in return for permitting them to use the Center as a demonstration of their software for analyzing facilities. By using this information and his

experience and familiarity with the facility and its needs, he was able to write a complete specification for the equipment and installation saving \$18,000.00 in consultant fees. In addition to the savings in consultant fees, the Cultural Foundation realized a savings of over \$15,000.00 by not having to rent professional quality sound equipment for performances allowing the City to provide quality customer service.

2. Service Recognition

MAYOR DUNN, assisted by Acting City Manager PAT MCDERMOTT, recognized Assistant to the City Manager MARIAN STANLEY for 20 years of service. MS. STANLEY began her career with the City as a part-time recreation leader before joining the City Manager's office in 1991 as an Assistant to the City Manager. Her willingness to accept new challenges and opportunities both within the City Manager's Department and outside activities has gained her respect and admiration among her peers. Her performance on special projects is most notable because of her attention to details. She successfully coordinated the planning and moving of City offices from the Rocky Mountain building to the Boyer building and was also instrumental in planning the City's first Martin Luther King Day celebration. Ms. Stanley has been active in fundraising events for the downtown area, was a member of the Chandler Service Club and is currently President of Soroptimist International.

3. Employees of Chandler Helping Others (ECHO) Recognition – George Bernal & Eric Johnson

MAYOR DUNN stated that this is a new recognition by the City of employees participating in the Employees of Chandler Helping Others (ECHO). Acting City Manager PAT MCDERMOTT explained that the program trains employees throughout the City to recognize problems or suspicious activities in the community. City vehicles designated with a red "E" can be approached by citizens for assistance. The Mayor and Mr. McDermott recognized ERIC JOHNSON, Street Specialist and GEORGE BERNAL, Sr. Street Specialist for their efforts in rescuing a lost child. Mr. McDermott said their actions will be part of an upcoming "Public Works at Work" program that will be airing on Channel 11.

4. Tony Dibonito – Presentation Regarding Action & Reaction Concerning Car Crashes

Mr. Dibonito was not present to speak.

UNSCHEDULED PUBLIC APPEARANCES:

There were no unscheduled public appearances.

CONSENT:

MOVED BY VICE MAYOR HUGGINS, SECONDED BY COUNCILMEMBER WALLACE, to approve the Consent Agenda as presented. Motion carried unanimously 7-0.

1. MINUTES:

APPROVED, as presented, the minutes of the Special Chandler City Council Meetings of October 6 & 9, 2003 and the Regular Meeting of October 9, 2003.

2. ANNEXATION AMENDMENT: SWC Gilbert/Queen Creek Road Ord. #3445
- ADOPTED Ordinance No. 3445 amending Section 1 of Ordinance No. 3441 for the purpose of correcting the property description to the annexation at the SWC of Gilbert and Queen Creek Road.

3. IRRIGATION EASEMENT: SRP Ord. #3476
- ADOPTED Ordinance No. 3476 granting an irrigation easement to Salt River Project north of Willis Road and west of the Consolidated Canal.

4. CITY CODE AMENDMENT: Reducing outside City Water Rates Ord. #3478
- ADOPTED Ordinance No. 3478 amending Section 50-11 of the City Code, Sale of Utilities, relating to reducing outside City water rates.

5. ANNEXATION: SEC Riggs Road and Arizona Avenue Ord. #3493
- ADOPTED Ordinance No. 3493 annexation of approximately 20 acres of property located south of the SEC Riggs Road and Arizona Avenue.

6. REZONING / PRELIMINARY DEV PLAN: Gold Canyon Candle Company Ord. #3494
- INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3494 (DVR03-0024, Gold Canyon Candle Company, requesting rezoning from County IND-2 to City zoning PAD for candle manufacturing along with a Preliminary Development Plan on approximately 20 acres located south of the SEC of Riggs Road and Arizona Avenue. (Applicant: Steve Brown, Sun States Builders.)

This property is designated in the General Plan as employment and the proposed zoning is consistent with the General Plan. The proposed site is surrounded by other properties that are still in the County. One parcel to the north is developed with an industrial office and warehouse. Coleman Spas is to the south and the remaining parcels are vacant. Land to the north and south are zoned IND-2. West of the adjacent railroad tracks is vacant property zoned IND-3. East of the site across Arizona Avenue is vacant property zoned C-2.

The proposed rezoning request is a staged development with the first stage including a 120,000 sq.ft. office and manufacturing facility. Stages two and three provide for the manufacturing facility's future expansion matching this PDP.

The Southeast Chandler Area Plan states "Within the Southeast Chandler Areas (east of the Southern Pacific Railroad tracks) compliance with the following Commercial Guidelines is encouraged ". As this site is west of the railroad tracks, the architectural standards from the Zoning Ordinance were applied.

Main access to the site is off Arizona Avenue at the property's southernmost point. Truck traffic will use a right-in, right-out driveway connecting to Arizona Avenue at the north property line. The main driveway will combine access to the Coleman Spas building to the south and existing properties south of Gold Canyon Candle Co. The main driveway is a tree-lined boulevard from

Arizona Avenue to the entry courtyard. The building is placed at the rear of the property, closest to the railroad tracks, with future stages constructed towards Arizona Avenue.

The applicant is requesting a deviation from the Zoning Code to allow roof-mounted equipment to be screened by the highest parapet. The Zoning Code requires that all roof-mounted equipment be installed so that the shortest parapet provides full screening. A view study will be produced showing that all roof-mounted equipment is fully screened by the highest parapets with no equipment visible over the shortest parapets. This request is not supported by Staff.

The building receives raw material delivery by truck and railroad with loading docks located along the building's north side enclosed by a 6-foot high wall. Materials are stored indoors or outdoors in four paraffin tanks along the building's east side. The paraffin tanks are 12 feet tall, located adjacent to the railroad tracks and are partially screened by a 6-foot high wall. Staff recommends that the tanks be painted to match the building to further reduce their visual impact.

Most dealer orders are shipped, however, some orders are picked up at the facility. The site plan designates a dealer receiving area near the offices including a circular driveway, parking spaces and an 8-foot roll-up door screened from Arizona Avenue by trees. No retail sales occur at the facility.

The site provides 200 parking spaces, less than the required 304 spaces in the Zoning Code. Based on the user's actual needs, Staff is of the opinion that the parking provided is sufficient. The site can accommodate required parking if the use intensity changes.

First stage landscaping includes the landscaping along Arizona Avenue, interior driveways, and the perimeter. Retention is located in multiple basins throughout the site. A 25' wide strip of land accommodating the sewer line connects this site to Riggs Road. Signage includes two freestanding signs and one wall sign.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on August 20, 2003 attended by one property owner who was in support of the project. Staff has received no letters from residents in support or opposition to this proposal. One resident living west of the site called with concerns about odor emanating from the facility. Staff visited the company's existing facility and noted a candle scent within 200 feet of the loading docks but did not detect any candle scents in other areas around the building.

Upon finding consistency with the General Plan, Planning Commission and Staff recommend approval subject to conditions as listed in the ordinance.

7. WIRELESS TELECOMMUNICATIONS USE AGREEMENT: VoiceStream Ord. #3487

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3487, authorizing a Wireless Telecommunications Use Agreement between VoiceStream PCS III Corporation and the City of Chandler and granting an Encroachment Permit for a site at the Richard T. Felix Police Property and Evidence Building.

Chapter 46 of the City Code sets forth the City's requirements for encroachment permits for use of the City's rights-of-way and public property as well as the licensing requirements for telecommunications companies. VoiceStream PCS III Corporation, a subsidiary of T-Mobile USA, is a wireless telecommunications company wishing to install wireless antennas and facilities at a site at the Police Property and Evidence Building at 576 W. Pecos Road. The ordinance

grants a renewable five-year, non-exclusive use agreement to VoiceStream PCS III and a site specific encroachment permit at the Police Property and Evidence Building pursuant to Chapter 46 and consistent with State law. This agreement also requires the company to adhere to requirements set by Chapter 35 of the City Code relative to Wireless Communications Facilities. The City's Police Department and Planning and Development Department have reviewed and are satisfied with the requirements specified in the agreement. The Police and Fire Department's Communications specialists have found no interference issues that would present a problem to the City's communications system.

The City has received a \$2,000 application fee to cover the City's cost for processing this application and the company will pay permit, inspection and pavement damage fees if applicable. VoiceStream will also pay \$1,000 per month rent for the Police site with provisions for rent increases detailed in the agreement. There will also be a 2.75% privilege tax applied on any non-interstate telecommunication services.

8. PROPERTY APPRAISAL AGREEMENT: First Appraisal Services, Inc. Res. #3689

ADOPTED Resolution No. 3689 authorizing an agreement with First Appraisal Services, Inc. for appraisal of properties in connection with the Germann Road (Airport Boulevard to Gilbert Road), Improvement Project, in the amount of \$34,450.00.

In July 2003 the City of Chandler entered into a development agreement related to the Crossroads Towne Center commercial development planned for the intersection of Germann Road and Gilbert Road. The development agreement anticipates that Chandler will proceed to realign, widen and improve Germann Road from Airport Boulevard to Gilbert Road in the near future which will involve the acquisition of right-of-way and easements from private property within the project area. This request is for contract services necessary to provide appraisal reports and other appraisal services needed to acquire the necessary property. The proposal also allows for adjustments as needed based on the average rate depending on what Chandler's final acquisition requirements will be when the road design is at 100% completion.

9. PRELIMINARY DEVELOPMENT PLAN: Tutor Time Child Care Learning Center

APPROVED a Preliminary Development Plan (PDP03-0015) Tutor Time Child Care Learning Center, at 2050 W. Ray Road on approximately 2.4 acres. (Applicant: David Cardenas, Bollinger and Cardenas Architects; Owner: David Church, Tutor Chandler Group.) The site is located west of the northwest corner of Ray and Dobson Roads and is the second parcel to be developed within a 10-acre commercial corner originally zoned in 1999. Zoning has been granted for conceptual plan approval only and requires a separate Preliminary Development Plan (PDP) approval for the site plan and building architecture.

The property is bounded on the west by the existing Osco drug store and parking lot. North and northeast is currently vacant but zoned for a larger shopping center. Northwest and west is vacant and south across Ray Road is a single-family residential subdivision. Existing site improvements completed include landscaping along the entrance drive, the property's western edge and along Ray Road. No additional improvements to or driveway access points onto Ray Road adjacent to this property will be constructed by this project. The site is designated for retail uses with conceptual parking shown according to code.

Preliminary Development Plan approval for building architecture and site plan will permit the day care's construction, including a fenced outdoor play area. A generous amount of turf is utilized in

the playground area, but because a day care is classified as a school, there is no limit to the amount of turf that can be used for landscaping.

The day care will be constructed as a single phase. The total capacity is estimated to be 200 students divided into five age groups with approximately 10 – 15 employees. Hours of operation will be Monday through Friday from 6:00 a.m. to 6:30 p.m. with the busiest drop-off time being 8:00 a.m. and busiest pick-up time at 5:30 p.m. There is no drop off area due to Tutor Time's policy requiring parents to check their children in and out.

The proposed building matches the architecture and incorporates design features found on the existing Osco and the elevations provide visual interest through the use of material and color changes. There is one monument sign proposed for the site that will incorporate the main building's design features.

Finding consistency with the General Plan and previously approved Planned Area Development zoning, the Planning Commission and Staff recommend Preliminary Development Plan approval for a day care center contingent on the following conditions:

1. Compliance with original stipulations adopted by City Council as Ordinance No. 2855, in case PL98-0029 OCSO DRUG, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Tutor Time Child Care Learning Center" kept on file in the City of Chandler Current Planning Division, in file no. PDP03-0015, except as modified by condition herein.
3. Any use other than for a day care shall require a parking study approved by the City of Chandler to demonstrate that adequate parking exists for the new use.
4. The modifier signs shown on the east elevation shall be eliminated.

10. PRELIMINARY DEVELOPMENT PLAN: Regency Plaza

APPROVED a Preliminary Development Plan, (PDP03-0020) Regency Plaza, for a commercial retail center on approximately 4.7 acres at the SWC of Chandler Boulevard and Arrowhead Drive. (Applicant: P/D Architects; Developer: Millennium Development.) The site is part of the Maggio Ranch Planned Area Development that was zoned PAD for commercial retail uses in 1983 and was included in a rezoning to PAD mixed-use in 1995 allowing for a mini-storage facility to the south and west of the subject parcel. The 1995 rezoning included a conceptual site plan for the site that identified three commercial buildings, including a retail building along Chandler Boulevard, a day care building along Arrowhead Drive, and a restaurant at the intersection corner. The site is bounded by a mini-storage facility to the south and west, office complex, church and residence to the north, and office complex under construction to the east.

The proposed development includes two retail buildings and a future freestanding pad building. Adequate parking is accommodated with approximately 205 stalls provided. Walkways with enhanced paving in the parking lot provide safe pedestrian connections between the buildings. The majority of storm water retention is underground, allowing for an attractive streetscape along Chandler Boulevard with berms and visible landscaping. The landscape palette is consistent with the adjacent properties through the use of turf along Chandler Boulevard and traditional evergreen trees throughout the site.

The single-story buildings complement the architecture of the adjacent office buildings through the use of similar building materials and colors. A curved low wall at the intersection corner serves as the entry sign, matching the design of the entry sign approved for the adjacent office

development under construction. All pedestrian walkways will be A.D.A. accessible and will not be interrupted by any obstacles preventing circulation (i.e. handicapped shall have access to all indoor and outdoor pedestrian spaces).

A neighborhood meeting was held to discuss the proposed development; however, no citizens attended the meeting. To date, Staff has not received any calls regarding this application.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval of the Preliminary Development Plan subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Regency Plaza" kept on file in the City of Chandler Planning Services Division, in File No. PDP03-0020, except as modified by condition herein.
2. The developer shall be required to install landscaping in the arterial street median adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
4. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
5. The landscaping in all open-spaces and rights-of-way and common area landscaping shall be owned and maintained by a Property Owners Association.
6. The tree sizes along the arterial street shall include a minimum mix of 50%-24" box, 25%-36" box and 25%-48" box trees.
7. Two parking spaces located on the south side of the parking lot at the north driveway along Arrowhead Drive shall be eliminated for more vehicle queuing space and replaced with additional landscaping.
8. Enhanced paving treatments shall be provided at all driveway entrances along Chandler Boulevard and Arrowhead Drive.
9. Any drive-thru use shall be prohibited for the commercial pad building located at the intersection corner.

11. PRELIMINARY DEVELOPMENT PLAN: Morrison Homes

APPROVED a Preliminary Development Plan (PDP03-0022) Sun Groves, Parcel 19, Morrison Homes, for housing products for 95 lots located on approximately 33 acres within the Sun Groves residential subdivision located approximately one-half mile east of the NEC of Lindsay Road and Hunt Highway. (Applicant: Morrison Homes, Matt Hawkins.) The property was rezoned from Agricultural (AG-1) to PAD in March 1999. The land use, lot sizes, landscaping, street standards, setbacks and subdivision diversity standards were addressed during the development's rezoning application along with the subdivision layout Preliminary Development Plan (PDP).

The development prohibits the same front elevation on adjoining homes or homes across the street. Staggered rear yard building setbacks for adjacent homes occur throughout the subdivision providing a two-foot stagger every other lot. Two-story homes are limited to every third lot along Sun Groves Boulevard, Hillcrest Drive and Doral Drive.

The housing products meet the required nine architectural diversity elements and a minimum of seven optional elements. These elements include de-emphasized garage fronts with recessed garage and courtyards with standard low walls, standard rear yard covered patios, single-story element on rear elevations, second-story plane changes, three significant architectural style differences with at least four distinctive features, standard stone on at least one elevation per plan and standard covered front porches.

Upon finding consistency with the General Plan and Council adopted PAD zoning, the Planning Commission and Staff recommend approval subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet entitled "Morrison Homes at Sun Groves, Parcel 19 PDP for Housing Products" kept on file in the City of Chandler Planning Services Division, in File No. PDP03-0022, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 2943, case PL98-158 SUN GROVES, except as modified in condition herein.
3. All homes built on corner lots within the residential subdivision shall be single-story.
4. The same front elevation shall not be built side-by-side or directly across the street from one another.
5. For lots adjacent to Sun Groves Boulevard, Hillcrest Drive, and Doral Drive two-story homes are limited to every third lot.
6. When two-story homes are built on adjacent lots, a 20-foot separation shall be provided between homes.
7. No more than two adjacent lots shall have identical rear elevation rooflines visible from arterial streets.
8. The same front elevation shall not be built on adjoining homes or homes across the street from each other.

12. PRELIMINARY DEVELOPMENT PLAN AMENDMENT: Focus Corporate Plaza Bank

APPROVED a Preliminary Development Plan Amendment (PDP03-031) Focus Corporate Plaza Bank for a bank drive-thru use at a commercial office center at 555 West Chandler Boulevard. (Applicant: Withey Anderson & Morris, PLC; Developer: Focus Real Estate.) This application proposes to include a bank drive-thru use with canopy on an approved office site development. A single three-story building was originally approved in 1998 as part of the office development rezoning. The site plan was modified in 2001 allowing for three smaller buildings instead of the original larger building. Although the bank is an allowable use under the current PAD zoning, the drive-thru and canopy are not in substantial conformance with the approved Preliminary Development Plan (PDP) and requires a PDP amendment. The drive-thru and canopy will be developed with the building located along Chandler Boulevard.

The property is located in central Chandler on the San Marcos Hotel's golf course perimeter and front Chandler Boulevard just east of the San Marcos Fairways Apartments. Two of the site's three buildings are currently under construction.

The bank proposes to locate their facility inside the building's westernmost portion along Chandler Boulevard and will have three teller lanes designed to have vehicles facing south away from Chandler Boulevard.

The parking lot currently has a combination of low walls and landscaped berms for visual screening along Chandler Boulevard. The drive-thru canopy is located near the center of the parking area approximately 150' from Chandler Boulevard. The parking lot around the building has been modified to provide safe and convenient access to the building with a pedestrian walkway provided along the main driveway. Staff proposes a stipulation to add 3' high screen walls between the landscape berm and the parking lot in the site's central portion along Chandler Boulevard to provide additional vehicle screening for cars circulating through the parking lot to the drive-thru lanes. Approximately eight parking stalls are being eliminated to accommodate the drive-thru while still providing adequate parking for the commercial office center.

The office center's approved signage is limited to the center identification and monument signs along Chandler Boulevard.

Notifications were sent to property owners and a neighborhood meeting was held on September 23, 2003. No neighbors attended the meeting and Staff has not received any calls regarding this application.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval of the Preliminary Development Plan subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, "Exhibits", entitled "Focus Corporate Plaza" kept on file in the City of Chandler Planning Services Division, in File No. PDP03-031, except as modified by condition herein.
2. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
3. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
4. Additional 3' high screening shall be provided along Chandler Boulevard at the central portion of the site.
5. Building signs will be limited to individual dark bronze letters without illumination.
6. The pedestrian access path between the parking lot and the building shall have a textured paving surface.

13. PRELIMINARY DEVELOPMENT PLAN: Sun River Woodside Homes

APPROVED a Preliminary Development Plan (PDP03-0035) Sun River – Woodside Homes, to add two additional home plans to an existing 380-lot single-family subdivision under construction at the NWC of Hunt Highway and Gilbert Road. (Applicant: Jeff Barnes, Woodside Homes.) The property is bounded to the north and west by Cooper Commons, Solera subdivision (formerly Springfield Lakes) to the east and the Gila River Indian Community to the south.

Woodside Homes previously received approval for housing product in March 2001 for five single-story models with three elevations each and now wishes to add two additional single-story models with three elevations each. The new product meets seven of the ten Architectural Diversity Standards for housing product in place at the time the original housing product was submitted. Land use, lot sizes, landscaping, street standards, setbacks and subdivision diversity standards were established during the subdivision's rezoning application. Previous rezoning

action included the standard condition that the same front elevation not be built on adjacent or opposite lots.

The standard zoning and Preliminary Development Plan approval condition provides: "Development shall be in substantial conformance with Exhibit A, Development Booklet..." which allows Staff to administratively approve minor modifications to the proposed development. However, compared to the smallest previously approved house plan providing 2,422 square feet of livable space, one proposed new model is less than 90 percent of its size. The garages proposed for the new models also are garage forward while existing plans feature recessed front garages. Staff feels these are significant changes from what was represented in the approved Preliminary Development Plan and requires a new Preliminary Development Plan application. Staff recommends approval of the new application because the new models continue to portray the same quality features of the previously approved plans and add more diversity to the subdivision.

Upon finding consistency with the General Plan and previously approved zoning, the Planning Commission and Staff recommend approval of the Preliminary Development Plan for housing product subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3010 in case PL99-036 SUN RIVER except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council in case PDP00-044 SUN RIVER – WOODSIDE HOMES, except as modified by condition herein.
3. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Woodside Homes, Presents Sun River, A South Chandler Community" kept on file in the City of Chandler Current Planning Division, in file No. PDP03-0035, except as modified by condition herein.
4. The side yard setbacks shall be no less than 5 feet and 10 feet.
5. Staggered front and rear building setbacks for adjacent house locations shall occur throughout entire subdivision.
6. The Preliminary Development Plan approval for the housing product proposed by Woodside Homes may be developed on any lot within the Sun River subdivision.

14. BOARD / COMMISSION APPOINTMENTS

APPROVED the following Board & Commission appointments as recommended:

Bond Committee

Rich Meseroll

Housing & Redevelopment Committee

David Soletski

Mayor's Committee for People With Disabilities

Lavonne Wiggins

Perry Rattiner

Mayor's Youth Commission

Victoria Almaraz

Neil Brown

Iris DeWitt

Stormy Rodriguez

Kaylee Smith

15. REZONING/PRELIMINARY DEVELOPMENT PLAN: Rezzonico Dairy – Homestead Park

CONTINUED to November 20, 2003, a rezoning request (DVR03-0025) Rezzonico Dairy – Homestead Park, from AG-1 to Planned Area Development (residential) for an 83-lot single-family

residential subdivision along with a Preliminary Development Plan on approximately 22 acres located west of the SWC of Germann and Alma School Roads.

16. EXTEND TIMING CONDITION: Ashley Manor

EXTENDED the timing condition for three years on the existing Planned Area Development (PAD) zoning (DVR03-0025) Ashley Manor located at 1380 S. Price Road. (Applicant: George Duerr.)

The five-acre property was rezoned on September 23, 2001 from Agricultural (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) for a wedding reception, banquet and meeting facility. The action included the following standard condition:

Construction shall commence above foundation walls within two (2) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

The developer requests a three-year extension to the timing condition so the property's existing zoning may continue in effect. This application does not seek to modify the site plan and building architecture with the time extension. With the approval of the time extension, all other conditions in the original approval will remain in effect.

17. CONTRACT: Brown and Caldwell

AUTHORIZED a professional services contract to Brown and Caldwell for hydrogeologic services for the drilling, testing and remediation of water production wells in an amount not to exceed \$1,000,000.00. This annual contract will provide hydrogeologic services for the drilling of exploratory and production wells including preparation of technical specifications, well testing and well remediation. Individual project agreements will be prepared for execution and approval for each specific project. Agreements over \$30,000 will be submitted for Council approval up to the annual aggregate of \$1,000,000.00. This action will result in saving the cost of the selection process and the time to bring individual projects forward.

18. CONSTRUCTION CONTRACT: CS & W Contractors

APPROVED Change Order #7 in an amount not to exceed \$79,000 to the construction contract with CS & W Contractors for McClintock Drive Improvements, Miscellaneous Right Turn Lanes & Bus Bay, and Ray/Desert Breeze and Ray/Lakeshore Traffic Signals, Project Nos. ST0154-401, ST0158-401 and ST0247-401 for a revised contract total of \$1,479,145.54.

Change Orders No. 1, 2 and 3 were issued on June 26, 2003 to compensate the contractor \$3,468.39 for upsizing of traffic signal communication cable; \$3,790.12 for removal and backfill of a concrete lined channel; and \$915.35 to realign the new waterline for unforeseen underground conflicts. Change Orders No. 4, 5 and 6 were issued on September 8, 2003 to compensate the contractor \$2,993.27 for unforeseen underground utility conflicts; \$1,039.43 for removal of an underground abandoned irrigation structure and to relocate the signal intertie conduit/wiring; and \$1,595.30 for the removal and relocation of an irrigation backflow prevention device and valve box.

Change Order No. 7 represents the cost to replace the upper course of asphalt with rubberized asphalt on McClintock Drive from Chandler Boulevard to the Santan Freeway. Staff is evaluating noise and life-cycle cost benefits of rubberized asphalt on arterial streets and recommends the McClintock Drive segment be used as a test case.

19. 2004 EMPLOYEE BENEFITS PROGRAMS

APPROVED the City's employee benefits programs for calendar year 2004 and renewed contracts with CIGNA HealthCare for group medical; Delta Dental for provider network and claims payment; Vision Service Plan for vision care and remaining employee benefit programs for 2004 which includes replacement providers to Sun Life Assurance company for group life insurance; Anthem Insurance Company for Long Term Disability for public safety; Flex America as third party administrator for flexible spending accounts; Sun Life Assurance Company for voluntary term life insurance and continue the Intergovernmental Agreement with the Town of Queen Creek.

In anticipation of the rising costs of health care, the City consulted with the Benefits Committee that was formed to assist in the evaluation of the medical plan and make recommendations for future cost control. Following negotiations with the City's medical plan vendor, CIGNA Healthcare, rates were reduced from an initial rate increase of 34% to 31%. The Benefits Committee concurred with staff recommendations of two plan design changes that consisted of increasing co-pays for office and urgent care/emergency visits that further reduced the increase to 26.5%. After a comparison of other Valley cities' health care rates, followed by the advice of the City's benefits consulting firm, and agreement from the Benefits Committee, the City accepted the renewal from CIGNA. All other benefit vendor renewal rates were in expected ranges.

Other changes in 2004 Employee Benefits Program include: 1) New providers to administer the City's Flexible Spending Account (FSA) program, City paid Group Life and Accidental Death & Dismemberment Insurance, employee-paid Voluntary Term Life Insurance, and Long Term Disability Insurance for Public Safety personnel were identified through a Request for Proposal process. The City used the services of the benefits consulting firm to assist with this process. There are no changes in benefit offerings with the exception of an added feature of a debit card for use with FSA. 2) The vision plan that is currently City-paid will be an employee-paid benefit as recommended by the Benefits Committee. 3) A new, employee-paid, program will be added for prepaid legal services administered by LawPhone. 4) The Short Term Disability Program, previously administered by a third party, will be managed in-house by Human Resources.

The benefits package was discussed with the Department Directors and Employee Council. Both groups concurred with the proposal.

The City entered into an Intergovernmental Agreement with the Town of Queen Creek in 1997 to take part in the City's benefits package that will continue during 2004.

20. CONTRACT EXTENSION: Weber Group, Gilbert Pump and Keller Equipment

APPROVED a contract extension for water/wastewater equipment repair and maintenance to Weber Group, Gilbert Pump and Keller Equipment in an amount not to exceed \$975,650.00. The Water and Wastewater Divisions require an ongoing contract to provide pump and well repair at the Surface Water Treatment Plant, the Reverse Osmosis Facility, the Airport Water Reclamation Facility, The Lone Butte Water Reclamation Facility and Wastewater Collection. Although the contract rates remain unchanged, the requested amount has increased from the last

extension request due to the increase in well remediation necessary to comply with new federal water quality requirements.

The original contract was awarded for a one-year period with provisions to extend four additional one-year periods. All three contracts were extended for the first year with no price increases and contractors have agreed to a second year extension with no price increases.

21. CONTRACT EXTENSION: The Frank Gates Service Company

AUTHORIZED a contract extension with The Frank Gates Service Company for third party claims administrator/worker's compensation in an amount not to exceed \$38,500.00. This contract is to provide all claim processing administrative functions regarding an injured employee upon receiving notification from the City's Occupational Medicine Nurse. The City has a zero balance checking account from which the TPA pays injured employees indemnity claims and all related medical bills. Appropriate accounting and reporting controls have been established between the TPA and the City's Risk Management Division in order to monitor transaction activity in the zero balance account. The service monitors medical invoices charged by our Workers' Compensation medical service providers, and ensures that the City receives the most favorable discounts associated with existing fee schedules. The end results are lower overall claims, and medical cost management cost for the program.

22. CONTRACT EXTENSION: Creative Environments

AUTHORIZED a contract extension for parks maintenance service to Creative Environments, in an amount of \$116,072.00 for one year. This contract includes the landscape maintenance of various City facilities administered by the Parks Division. They include all Fire Stations and training facilities, city pools, special use paths (Paseo & Ashley Park), City rights-of-way adjacent to City parks, Tumbleweed Tennis Center and the Performing Arts Center. Maintenance responsibilities included in this contract are mowing, trash control, weed control and tree and shrub pruning. The contractor is requesting a 3% price increase due to an increase in fuel and labor costs.

23. CONTRACT: Shannon S. Martin Company

APPROVED a contract with Shannon S. Martin Company for the cleaning of restrooms at fifteen City parks, utilizing the City of Glendale contract, in an amount not to exceed \$51,480.00 for a period of one year. The Park Operations Division began contracting out restroom maintenance last year at Tumbleweed Park, Chuparosa Park and the Snedigar Sportsplex. The work was originally contracted out to avoid the need for additional staff for maintenance purposes. This contract increases restroom cleaning from three to fifteen parks. Approving this contract allows the reassignment of 104 staff hours per week to upgrade the cleaning and maintenance of playground equipment, cleaning of ramadas and tree trimming. Savings from existing landscape maintenance contracts provide the funding source for this contract.

24. CONTRACT: SW Services

APPROVED a contract with SW Services in an amount not to exceed \$127,610.00 for valve box locking devices and debris caps. Water pressure and water quality problems have been experienced in the past due to unauthorized persons shutting off valves on water mains. The valve box locking devices and debris caps have become a City of Chandler Standard Detail and a Maricopa Association of Governments (MAG) Standard. The valve box locking devices and

debris caps are installed on all waterline valves during valve maintenance. The term of the contract is for one year with provisions to extend up to four additional one-year periods.

25. SOLE SOURCE PURCHASE: ESRI

APPROVED the sole source purchase of ESRI maintenance and support (\$46,500) and the purchase of additional GIS software (\$4,500) from ESRI in an amount not to exceed \$51,000.00. The City's GIS system is based on ESRI GIS products. Expansion and continued support of the GIS system to meet City needs requires the purchase of new user licenses, software product upgrades, support services and additional software modules for which ESRI is the sole provider. There are no other products by other vendors that could be used without significant added costs. This request is for the funding for purchasing annual software maintenance and additional software licenses needed to meet citywide needs.

26. USE PERMIT EXTENSION: Seton Catholic High School

APPROVED a Use Permit Extension (UP03-0027) Seton Catholic High School, for continued placement of a temporary building for classroom use on the high school campus located at 1150 North Dobson Road. (Applicant: Peggy Foote, Seton Catholic High School; Owner: Roman Catholic Church of Phoenix.) The portable building is located west of the gymnasium between two classroom buildings and is not visible from any road or adjacent property. Staff does not believe parking is negatively affected by the temporary building.

The existing Use Permit was approved in 2001 to permit the installation of a portable building that added two classrooms to the campus. At that time, the school anticipated the portable unit would be needed for a period of two years. They currently anticipate the portable units will be needed for an additional three years. The buildings include fire sprinklers to meet City Code requirements and an ADA accessible ramp.

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Staff received three phone calls. One neighbor, although not objecting to the temporary classroom building's continued placement, opposes any school expansion and also objects to being able to hear the school bells from within the adjacent neighborhood. The other two calls wanted to know exactly where the building was placed and if the school had any future expansion plans.

Upon finding consistency with the General Plan and previously approved Use Permit for the Seton Catholic High School, the Planning Commission and Staff recommend approval subject to the following conditions:

1. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to the City of Chandler and approval by the City of Chandler.
2. Substantial expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval

27. USE PERMIT: India Gate

APPROVED a Use Permit (UP03-0029) India Gate, Series 12 Restaurant License, for the sale of liquor at a restaurant located at 6245 West Chandler Boulevard, Suite #1. (Applicant: Sarwan

Singh.) The restaurant is located at the southwest corner of Chandler Boulevard and Kyrene Road, within the Kyrene Village commercial center and has an enclosed outdoor patio area with a 36-inch tall decorative railing and ADA compatible gates. The restaurant has been in operation since May 28, 2003.

This request was noticed in accordance with the requirements of the Chandler Zoning Code and Staff has received no telephone calls or letters from residents opposed to this Use Permit.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval subject to the following conditions:

1. The Use Permit is for a Series 12 license only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. Any substantial change in floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application of the Use Permit.

28. USE PERMIT: Nighthawk Equipment

APPROVED a Use Permit (UP03-0033) Nighthawk Equipment, to permit outdoor storage of equipment within a C-3 Zoning District for Nighthawk Equipment located at 299 South Washington Street. (Applicant: James and Veronica Yeaman). The property is located at the northeast corner of Frye Road and Washington Street. The lot has a small building located on the southwest corner and is encompassed by a six-foot high block wall.

On the east, an alley separates the property from the City of Chandler Public Works Yard. The areas to the north, west and south consist primarily of small industrial shops and auto service related businesses. Outdoor storage is not permitted by right within a C-3 zoning district and requires a Use Permit. The lot is used primarily to store air conditioning equipment.

The Use Permit for outdoor storage was granted for a three-year period in 1995 and expired in 1998. In February 2000, Neighborhood Services issued a citation for storing material and equipment without a valid Use Permit. Staff found that the site was not in full compliance with the 1995 Use Permit. A six-foot high block wall was constructed around the site to screen the storage area, however, the site perimeter had not been landscaped. The property was brought into compliance in 2000 and continues to be in compliance.

The request was noticed in accordance with the requirements of the Chandler Zoning Code. Staff has received no telephone calls or letters from residents opposed to this Use Permit.

Upon finding consistency with the General Plan and the Downtown Redevelopment Area plan, the Planning Commission and Staff recommend approval of the Use Permit subject to the following conditions:

1. The Use Permit shall be valid for three years following date of City Council approval. Storage use upon the property beyond the three-year term shall require new Use Permit application and subsequent approval by Council
2. Perimeter landscape area is to be maintained in a neat, weed free condition. Plant material that is removed shall be replaced.

3. Storage shall be continued within the six-foot (6') block wall fence and below the top of the wall.

29. USE PERMIT: Regal Beagle

WITHDREW a Use Permit request for (UP03-0042) CDT Phoenix, L.L.C. dba Regal Beagle, for a Series 12 Restaurant License for the sale of liquor at a restaurant located at 6245 West Chandler Boulevard, Suite A-7. The property has a previously approved Use Permit and the proposed use conforms to the previous Use Permit which does not require a new Use Permit. Planning Commission and Staff requested the withdrawal.

30. USE PERMIT: Chandler Commons Office Park Fuel Storage Tank

WITHDREW a Use Permit request for (UP03-0042) Chandler Commons Office Park Fuel Storage Tank, for a fuel storage tank greater than 500 gallons in conjunction with a generator to be located within Chandler Commons Office Park located at the SWC of Chandler Boulevard and Ellis Street. The property is zoned Planned Area Development (PAD) for an office park and does not require a Use Permit for the fuel storage tank. The proposed fuel storage tank is in substantial conformance with the PAD zoning and no action is necessary. Planning Commission and Staff recommended withdrawal.

31. USE PERMIT: Gibides Gourmet Hot Dogs & Hamburgers

APPROVED A Use Permit (U03-0038) Gibides Gourmet Hot Dogs & Hamburgers, for a Series 12 Restaurant License for the sale of liquor at a restaurant at 1940 S. Alma School Road, Suite 5. (Applicant: Vega Gibides.) The restaurant is located at the northwest corner of Alma School and Germann Roads in the Alma School Town Center and is scheduled to open in the fall of 2003.

This request was noticed in accordance with the requirements of the Chandler Zoning Code and Staff has received no telephone calls or letters from residents opposed to this Use Permit.

Upon finding the request to be consistent with the General Plan, Planning Commission and Staff recommend approval subject to the following conditions:

1. The Use Permit is for a Series 12 license only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.
4. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.

32. LIQUOR LICENSE: Gibides Gourmet Hot Dogs and Hamburgers, Inc.

APPROVED a Series 12 Restaurant Liquor License (Chandler #300000605) for Vega Marie Gibides, Agent, Gibides Gourmet Hot Dogs and Hamburgers, Inc., at 1940 S. Alma School Road. Recommendation for approval of State Liquor License No. 12075613 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

33. USE PERMIT: El Campo Mexican Food Restaurant

APPROVED a Use Permit (UP03-0035) El Campo Mexican Food Restaurant, for a Series 12 Restaurant License for the sale of liquor at a restaurant at 1964 North Alma School Road, Suite 10. The restaurant is located at the southwest corner of Alma School and Warner Roads within Warner Plaza.

This request was noticed in accordance with the requirements of the Chandler Zoning Code and Staff has received no telephone calls or letters from residents opposed to this Use Permit.

Upon finding the request to be consistent with the General Plan, Planning Commission and Staff recommend approval subject to the following conditions:

1. The Use Permit is for a Series 12 license only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication of the Use Permit.

34. LIQUOR LICENSE: El Campo Mexican and Seafood Restaurant

APPROVED a Series 12 Restaurant Liquor License (Chandler #300000607) for Valentin Gonzalez-Rodriguez, Agent, El Campo Mexican and Seafood Restaurant at 1964 N. Alma School Road Suite 10. Recommendation for approval of State Liquor License #12075612 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

35. LIQUOR LICENSE: Sunbird Resort Community

WITHDREW a request for a Series 12 Liquor License for Kimon Thomas Kalleris, Agent, Sunbird Golf Resort Homeowners Association, Inc., dba Sunbird Resort Community located at 6250 South Sunbird Boulevard. Withdrawal is at the request of the applicant.

36. LIQUOR LICENSE: Corks Wine Wholesalers

APPROVED a Series 4 In-State Wholesalers Liquor License (Chandler #300000606) for Dawn Peri Tames-Roeck, Agent, Corks Wine Wholesalers at 235 S. 56th Street. Recommendation for approval of State Liquor License No. 04073102 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. Planning and Development advises a Use Permit is not required for a wholesale liquor business.

37. LIQUOR LICENSE: India Gate

APPROVED a Series 12 Restaurant Liquor License (Chandler #300000577) for Sarwan Singh, Agent, S & TS LLC, dba India Gate at 6245 W. Chandler Boulevard, Suite #1. Recommendation for approval of State Liquor License No. 12075505 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

38. LIQUOR LICENSE: Wyndham Garden Chandler Hotel

APPROVED a Series 11 Hotel/Motel Liquor License (Chandler #300000608) for Sherry B. Whirt, Agent, Crestline Hotels & Resorts, Inc. dba Wyndham Garden Chandler Hotel at 7475 W. Chandler Boulevard. Recommendation for approval of State Liquor License #11073099 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. The application reflects a change in ownership.

39. FINAL PLAT: Cobblestone Square

APPROVED, as recommended by Staff, a Final Plat (FPT03-0029) Cobblestone Square, for a 7.38 acre commercial subdivision located at the SEC of Ray and McQueen Roads. (Applicant: SEC Ray & McQueen, L.L.C.) This subdivision is for a commercial center that includes an Eckerd drug store and office buildings. It is divided into three lots that will include the drug store, a pad building, and an office complex. The plat creates the lots, tracts, and necessary easements and dedicates the required rights-of-way.

MOVED BY VICE MAYOR HUGGINS, SECONDED BY COUNCILMEMBER WALLACE, to approve the Consent Agenda as presented. Motion carried unanimously 7-0.

PUBLIC HEARING:

PH #1: ENTERPRISE ZONE

Mayor Dunn declared the public hearing open at 7:25 p.m.

ECONOMIC DEVELOPMENT DIRECTOR GARRETT NEWLAND stated that Staff was before Council in October 2002 to renew the Enterprise Zone. There is a statutory five-year limit on the Zone that has expired. The original zone was approved in 1992 for a period of five years. It was extended from 1997 to 2002 and extended again in October 2002. The City received approval from the State for another five-year extension; however, it was based on 1990 census data. The 2000 census did not become available until recently allowing the Enterprise Zone to be updated.

Based on the information from the 2000 census, any change in the boundaries requires that a new application be submitted. All other zones in the State are currently in this same process. After reviewing the 2000 census data, we have had to remove several areas of the zone. Mr. Newland displayed an overhead depicting the current and proposed new boundaries. The boundaries are based on the poverty rate within the zone. New residential has been developed in the current areas and does not meet the poverty designation.

Resolutions #3690 and #3691 authorize a new application based on the new zone boundaries and also authorize approval of an Intergovernmental Agreement with Maricopa County which is scheduled for hearing at the County on November 5th.

In response to a question from the audience, Mr. Newland explained that an Enterprise Zone is a State program whereby job creation is a focus. There are several benefits including property tax reduction and income tax credits available for qualified businesses locating within the zone and hiring residents from within the zone.

There being no speakers wishing to comment on this item, Mayor Dunn declared the public hearing closed at 7:30 p.m.

42. CREATION OF AN ENTERPRISE ZONE Res. #3690

Resolution No. 3690 authorizes the creation of a Enterprise Zone Commission, establishes the boundaries of the designated zone and authorizes the Zone Commission to file an application for creation of a new designated Enterprise Zone.

43. INTERGOVERNMENTAL AGREEMENT: Enterprise Zone Res. #3691

Resolution No. 3691 creates a new Intergovernmental Agreement between the City of Chandler and Maricopa County for the purpose of creating a new Joint Enterprise Zone. The current Intergovernmental Agreement was created in 1992; however, because of a modification of current Enterprise Zone's shape and size, a new Intergovernmental Agreement is necessary. It is required with Maricopa County because there are parcels within the Zone that are under County jurisdiction. The Joint Enterprise Zone Commission consists of City Council, a member of the Maricopa County Board of Supervisors and the Economic Development Director and its function is to oversee the Enterprise Zone.

COUNCILMEMBER BRUNO asked if one motion could be made for both items, Mr. O'Neill replied yes.

MOTION MADE BY COUNCILMEMBER BRUNO to adopt Resolution No. 3690 creating a new Enterprise Zone Commission, creating the boundaries of the designated Enterprise Zone and authorizing the Commission to file an application for the creation of a new designated Enterprise Zone AND adopt Resolution No. 3691 creating a new Intergovernmental Agreement between the City of Chandler and the Maricopa County creating a new joint Enterprise Zone Commission. COUNCILMEMBER WALLACE seconded the motion. Motion carried unanimously 7-0.

ACTION AGENDA:

40. CONSTRUCTION CONTRACT: Solid Waste Services Complex – Phase 1

MAYOR DUNN pointed out that a full presentation on this agenda item took place at the October 9, 2003 Council meeting and asked staff to summarize that presentation.

Municipal Utilities Director DAVE SIEGEL said that in 1992 the City purchased 100 acres of land located at the southwest corner Queen Creek and McQueen Road. That same year the property was zoned for some purchases which included wastewater treatment, a solid waste complex, a transfer station and those types of activities. In 1997 there was a series of Public Works meetings with land owners in the area and in 1998 after Council briefings and public meetings a decision was made to locate the solid waste permanent facilities at this location. The current transfer station was opened in 1999 and permanent walls and signage were constructed in 2000. The temporary sign that indicated a transfer station and composting located on the north side of the property was removed once the permanent walls and signage were in place.

Mr. Siegel stated that the landfill is expected to close in October 2005 and the City is currently generating, through its transfer station, approximately 12,000 tons a month. In 1996, the City hired a consultant who looked at several different alternatives that have been pretty well covered in the past. Some of those alternatives included the Southeast Regional Landfill, which did not materialize; partnering with the City of Glendale, which is about 50 miles away, also fell through; the Salt River-Pima Landfill and ultimately went out for proposals. Staff also considered a direct haul to the Butterfield Landfill, located approximately 26 miles from the current site, and projected costs for doing so were estimated at just under \$3 million dollars, based on input from the City's contractor and the current flow rate of 12,000 tons per month. The \$3 million cost, compared to the projected costs to operate the transfer station and hauling to Butterfield once the City's landfill closes, is approximately \$1.5 million dollars. The City also looked at the utilization of other transfer stations and over the life of the Butterfield agreement, it is estimated that the cost would be in excess of the City's deal of approximately \$5.4 million.

Mr. Siegel asked the Council to keep in mind that the Waste Management truck collection contractor collects about 61% of the City's solid waste and therefore if we don't proceed with the City transfer station, they will still have 39% of the waste that is hauled in by residential self haulers, contractors and landscapers. In June 2002, an architectural contract was approved to proceed with the architectural renderings of the buildings that would be built at this site and in January 2003 design services for the actual transfer station were approved and the design is currently 60% complete. On October 1st, staff advertised and held an open house which included not only the area residents but the entire City to afford them the opportunity to review the design for the proposed building.

Mr. Siegel referred to slides depicting the office complex, the recycling building and the transfer station. The transfer station is approximately a 44-foot high building consisting of 45,000 square feet. Other buildings to be located there include a 2,000 square foot recycling building, and a Household Hazardous Waste building, which will enable the City to enhance its Household Hazardous Waste collection program to a more frequent use. Along with the planned expansion, two entrances are planned and staff proposes to bring all commercial and truck traffic off of Queen Creek Road, using the existing driveway for the Airport Water Reclamation Facility and keeping residential and commercial separate. The residential users will continue to come off of McQueen to the southern portion of the facility and exit onto McQueen. There are currently approximately 30 to 33 garbage trucks in Waste Management that would run through this site and it is estimated that the City will require approximately 20 to 22

semi-truck loads per day to travel from the transfer station to the Butterfield Landfill. That number will continue to increase as the City reaches its build out, with a maximum of approximately 30 to 33 semi-trucks.

Mr. Siegel discussed haul-outs and said that if the transfer station is located at the southwest corner as proposed, a new six-lane street is going to be constructed along McQueen, from Pecos down to the intersection of Queen Creek and McQueen, and the semi-trucks will be able to utilize the six-lane street to access the freeway. Ultimately, when Queen Creek Road is rebuilt, the trucks can be sent that way, up towards Arizona Avenue to either head north towards the freeway or south to the southern end of Chandler. On October 9th, a Council memo was brought forward for the construction of Phase 1 and it was tabled for two weeks to allow more public discussion and education to occur. The construction work proposed for Phase 1 includes all of the site work including underground utilities, the demolition of the current residential drop-off area, some concrete work, temporary operational facilities and pre-ordering of long-lead items. Staff was directed to hold public meetings to allow for the additional discussion and education and once again meeting notification postcards were sent to approximately 1500 residents and they re-ran the usual newspaper ads.

Mr. Siegel reported that three additional meetings were held and the first, attended by 33 citizens, was last Saturday morning at the Airport Conference Room. Monday evening the same presentation was given to 51 attendees and the Planning Director and Dan Cook joined them to answer planning and transportation questions. This past Wednesday a morning meeting was scheduled for the convenience of shift workers and Hank Pluster was present to assist with zoning issues and Mr. Cook also attended to respond to transportation-related questions. Some of the concerns that were brought up were included in a recent memo that he sent out. He pointed out that the transfer station is adjacent to the Airport Water Reclamation Facility and is surrounded on three sides by either industrial or light industrial. There is also some open space for public and semi-public use. He indicated the location of the Lantana residential subdivision and commercial zoning along the railroad tracks between Arizona Avenue.

In response to a request from COUNCILMEMBER ANDERSON, MR. SIEGEL stated that the estimated cost for a direct haul to the Butterfield Landfill is estimated at \$3 million per year, approximately double what staff estimates it would cost to operate a City transfer station and direct haul out to that facility using the semi-trucks. In addition 39% of that is generated by self-haulers, contractors and landscapers and this will still have to be dealt with. The life of the landfill from 1999 on is projected to be 35 years and the City approved a 25-year agreement with Waste Management to haul its refuse to the Butterfield Landfill. Two five-year extensions were included in the contract.

COUNCILMEMBER CACCAMO asked whether alternative sites for the transfer station had been explored and MR. SIEGEL said that he looked at the two City sites that had been suggested. The first is near the Fire Training Facility off of Ocotillo, which joins the Reverse Osmosis Facility and the Ocotillo Water Reclamation Facility. He stated a small amount of land in between there that is currently owned by the department and is used for recharge, and it was his opinion that there is insufficient space for the project. Staff also looked at the second site, the West Chandler Water

Reclamation Facility that was purchased in approximately 1997, just east of 56th Street. The purpose of that was replacing Lone Butte since that contract expires in 2017. Extensions to the contract might be possible. He stated that the City purchased 54 acres and sold off some of that to the Arizona Department of Transportation (ADOT) and one of the neighboring properties but there is insufficient room there to accommodate a transfer site at that location. Although other sites were suggested during the public meetings he stated that he believes all of the sites had problems.

COUNCILMEMBER WESTBROOKS asked Mr. Siegel to recap his experiences in visiting other facilities, including his recent City of Phoenix facility tour. MR. SIEGEL stated that staff visited two sites that morning, one the result of input received at Wednesday morning's meeting. The first site visited is owned by the City of Phoenix (27th Avenue and Buckeye) is a very old, large facility built adjacent to the landfill. He said he believes that operation differs significantly from what Chandler would want to do. The second facility was the City of Scottsdale's transfer station and it is operated very similar to the manner in which he anticipates the City of Chandler would operate theirs.

COUNCILMEMBER WESTBROOKS asked how close the residences were from the facility and MR. SIEGEL stated that at the Phoenix site, the closest homes were about a half a mile away, only a few of them and then approximately three quarters of a mile farther way there was a subdivision. At the Scottsdale facility the nearest homes were approximately one mile from the station. The zoning around the Phoenix site appeared to be mostly industrial and Scottsdale's site was surrounded by a number of other City facilities.

MR. SIEGEL corrected a previous figure he had given and stated that if the City did a direct haul to the Butterfield Landfill for the next thirty years versus building an expanded transfer station and does direct hauls in semi-trucks out of the City facility, the increased cost over the 30 years would be approximately \$45 million. In addition, the City would still have to handle 39% of its waste. He indicated that staff would work with Management Services Director Pat Walker in determining methods to fund the additional cost and it would definitely result in an increase in rates.

COUNCILMEMBER WESTBROOKS asked what it would cost the taxpayers and whether any type of study had been conducted on this issue. MS. WALKER responded that staff did not have a cost per household at this time but agreed that the rates would be impacted.

MAYOR DUNN commented that the purpose of the transfer station is to avoid costs associated with direct hauling.

Discussion ensued relative to existing zoning in the recommended area and proposed future plans for the site.

In response to a question from THE MAYOR, MR. SIEGEL advised that the General Plan calls for improvements to the consolidated canal continuing south and going past the landfill site.

MR. SIEGEL, in response to questions from THE MAYOR, stated that the current plan is to keep McQueen Road open for the general public's use, landscapers, etc. Mayor Dunn asked if they had considered closing that entrance, leaving no access off McQueen Road, and directing all of the traffic north to Queen Creek Road. Mr. Siegel said discussions had occurred between staff and the City's consultant relative to the feasibility of doing that. Mayor Dunn said that he would like discussions to take place relative to this alternative and added he has traffic safety concerns that need to be addressed especially due to the pedestrian use on the Consolidated Canal. Mayor Dunn encouraged staff to pursue this alternative if the proposal proceeds.

MAYOR DUNN announced that about 20 individuals have requested to speak and others have indicated either their support or opposition to the proposal. He noted that each speaker would be allotted three minutes. He added that based on the turnout he believes staff did a good job in getting the word out that this issue would be discussed at this meeting. He added that in addition, the Council has received numerous calls, e-mails and letters.

RICH MESEROLL, 2150 S. Arizona Avenue, #1011, said he spoke on this issue two weeks ago and has not received responses to his telephone calls to two of the Councilmembers. He thanked Dave Siegel for his assistance and helpfulness. He said that McQueen Road is a two-lane road and 18-wheel trucks would be driving on it to access the facility. He questioned how this could happen in a safe manner. To date he has not seen and data pertaining to the impact of the trucks traveling on this road. He stated that if you subtract the cost of building the transfer station you are down to about \$30 million over 30 years and that would be a lot less expensive than even one lawsuit the City will get because of an auto accident with one of the semi-trucks. He had another concern with directing the trucks west on Queen Creek Road sending them toward Hamilton High School. He stated that other than Dave, he believes that the City during the past two weeks has been unwilling to offer solutions and proposals. He added that the cost will not be \$100 million dollars, it will be closer to \$45 million, minus the cost of maintaining it. He said that all of these factors should be considered before any decisions are made.

In response to a request for clarification from THE MAYOR, BRYAN PATTERSON stated that a project is currently underway with the County to improve McQueen Road from Pecos down to Queen Creek. It will include the complete intersection at McQueen and Queen Creek and will be designed for the ultimate six-lane cross-section, three in each direction with right and left turn lanes. Staff has been planning ahead in anticipation of the truck traffic and concrete will be used throughout the intersection so it holds up over time. In the interim for the two-lane road, widened driveways will have to be designed to accommodate the turning radius for the trucks. In addition, staff is also working with the County to improve Queen Creek Road from McQueen to Arizona Avenue approximately four years from now and further south on McQueen, south of Queen Creek, approximately five years from now. He said that they will most likely be six lanes.

MAYOR DUNN asked what the funding source for the transfer station was and MS. WALKER responded that the funds are derived from the solid waste user fees that have been reserved in the past for this purpose and no impact fees would be used.

In response to a question from COUNCILMEMBER CACCAMO, MR. SIEGEL advised that the \$45 million dollars is over and above the cost of the transfer station.

WARREN JOHNSON, 1531 E. Ebony Place in the Saguaro Canyon subdivision. He said he wanted to thank Mr. Siegel for his presentation on Monday. He said he did not believe he received sufficient notification when he purchased his home of what was proposed for the site and asked the Council to consider this fact when they vote this evening.

ROBERT GASTON, 3767 S. Newport Street in the Lantana Ranch subdivision. He stated that discussion has been on going about the fact that the project was being modeled after a facility in Oxnard, California but what has not been pointed out is that the facility in California is located in a high industrial area. Even though this is supposed to be a highly maintained facility, he questioned where the EPA data was on this as far as odor abatement and things such as that. He said that infrastructure should be built first around the facilities it will have to support and there will be three years of congestion and traffic on the two-lane road until the widening occurs. He asked that the Council reconsider this proposal and act wisely on behalf of the residents.

LIHA RUBIO, 4437 S. Marion in the Symphony II subdivision. She asked that the Council look beyond the money involved and instead focus on what is best for the residents in the area. She requested that they develop other alternatives and emphasized the importance of maintaining a safe quality of life in their neighborhoods.

WARREN WEEMS, 1690 E. Redwood in the Saguaro Canyon subdivision, said that the large audience this evening is the result of tireless effort on the part of many residents who got the word out about this meeting. He referred to the Southeast Chandler Brochure that was distributed to the citizens regarding this project and said that the information contained in that brochure was misleading and misrepresents what they are currently proposing for the site. He noted that the literature "lumped together" the landfill and transfer station making it appear that if anything, it would be smaller than it is now.

ANGELA RUCKER, 4438 S. Leoma Lane in the Symphony II subdivision, stated that she lives approximately one mile away from the site. She referred to an article on May 22nd, Mayor Dunn "noted that the support of an outstanding and informed citizenry is vital to the efficient operation of the public works systems and programs, such as water, sewer, streets and solid waste collection." She added that obviously they are not an informed citizenry and it is not their fault. In the brochure that the City handed out, all it said was that a portion would be maintained as a waste transfer station. It never once said that the waste transfer station would be expanded. She expressed concerns with the lack of signage indicating expansion of the project. She reported that many citizens who called the City to ask questions and discuss their concerns were given a map of the park, and there was no mention of an expanded transfer station. She expressed the opinion that all of the options have not been explored and said that although it was a good decision in 1999 when no one lived in the area, in 2003 it would be a bad decision based on the residential development that has occurred.

WILL HUMPHREYS, 3762 S. Tower Avenue said that he believes the residents feel that they have been misled and other alternatives must be explored. He said that he would not have bought his home if he had been informed of the proposed transfer station. He requested that the Council reconsider this and look at it as an ethical rather than financial issue.

CHRISTIAN WEEMS, 1690 E. Redwood in the Saguaro Canyon subdivision, stated that the decision before the Council this evening is being based upon evidence and information that was presented in 1992 and 1999, when the land was in the County. Residents are not living in what used to be a desolate area and they ask that the Council listen to their concerns. She stated it was unreasonable to spend \$3.5 million dollars per year to direct haul trash and overburden the rate payers but alternatives do exist. She said that Dave Siegel previously commented that he believed this is the only appropriate site but she believes that there are alternative sites and she will present them this evening. She referred to a photo of land, near the Reverse Osmosis Treatment Plant on old Price Road and Price Road and pointed to a section containing 37 acres of land which is available for sale. Approximately 15 acres is needed to accommodate a transfer station. She reported the area is over one mile from the nearest residence and the property could be purchased by the City for approximately \$2 million, which would affect the rate payers approximately ten cents over the next 30 years. She noted that Dave Siegel told her himself that if an alternative existed, the landfill could remain open for a reasonably longer time. She stated that trucks would then not pass by schools or have to pass by neighborhoods. She reiterated that other alternatives exist but have not been properly pursued and urged the Council to direct staff to do so.

LESLIE ARNOLD, 1668 Kaibab in the Symphony II subdivision, said that she is a business person and believes that they can save money if they pursue alternatives. She commented on the large number of people who feel strongly that the proposed site is inappropriate and displayed a photo of traffic backup (56 cars) on McQueen and Queen Creek Roads. She questioned what the intersection would look like five years from now and expressed concerns regarding safety and decreased property values. She questioned the safety and effects of burning or recycling household hazardous waste near a residential area.

In response to a question from MICHELLE DALY, a resident in the Saguaro Canyon subdivision relative to funding for the widening of the road, MR. PATTERSON advised that all of the roadways would be funded by impact fees. The City recently updated its fee structure and built in the long-term costs to improve the roadways and it will be done with the impact fees along with some County participation, since there are a number of County islands along both of the roads. He said that the County has assumed the lead on the McQueen Road project, which is going to start in approximately one year.

MAYOR DUNN added that a temporary signal light will be placed at the intersection within the next month until the road is improved.

MS. DALY, 1710 E. Redwood, Saguaro Canyon, stated that many residents have concerns regarding safety and discussed the intersection of McQueen and Queen Creek Roads. She displayed a picture of a curve on McQueen Road and noted that a number of blind spots exist and there are no street lights so it is difficult to determine

whether drivers are going to encounter trash such as a dead tree dropped by a landscaping company or discarded furniture such as a couch, etc. She referred to a March 23, 2002 Police Report when a garbage truck ran a vehicle off of the road by dropping a piece of plywood. She said the report indicates the driver of the truck said he was driving at a slow rate of speed. Ms. Daley said that she was behind that vehicle and were pacing him at 45 miles per hour. She emphasized that 45 miles per hour was not slow and residential trucks will not be restricted or cover their loads. Ms. Daly read from the EPA guidelines "every transfer station has neighbors and the term neighbors should be broadly interpreted as some of those impacted might not be immediately adjacent to the transfer station, i.e. vehicles traveling to and from a transfer station could significantly affect neighborhoods a mile away if those vehicles travel on residential streets." She added that the proposal was a good idea eleven years ago but not now and they must all work together to find a solution.

MAYOR DUNN requested that Ms. Walker put together some additional information relative to the funding sources, how they are raised and how decisions are made to utilize them.

MR. PATTERSON noted that impact fees are collected when building permits are issued and staff projects out the cash flow. Since the fees started in 1997, close to \$20 million a year has been collected for all types of improvements, including arterial streets. He said that priorities have to be set as to where to spend the monies as they come in and discussed current and proposed improvements in the area based on projected cash flow.

ANDREW KOPP, 1671 E. Redwood Place, stated that the residents recognize the importance of such a facility but are attempting to provide alternatives for consideration that will address the needs and concerns of everyone involved. He discussed efforts that were expended to identify alternative sites and said that the site recommended by Ms. Weems on Queen Creek and the old Price Road would be a "trade-off" and would save some money since it is five miles closer. He added that another possible location is the corner of 56th Street next to the Santan Freeway and noted that there are no homes within a mile and a half of that location. Farther north another site exists off of Price Road right by Germann, next to the Indian reservation. He stated the opinion that the existing buildings could be easily and inexpensively moved to another site by a construction company and the land could then be turned over for additional water reclamation. Mr. Kopp also referenced a large parcel of land next to the railroad tracks located farther north along Germann between Arizona Avenue and McQueen Road.

TIM STRONG, 1699 E. Prescott Drive, stated that he too is upset about residing near what is going to be a \$7.5 million solid waste transfer station. He also discussed his concerns as a taxpayer and the City's potential liability that could result from the proposal before them tonight. He pointed out that the City is not immune from lawsuits and he has not heard that any type of risk assessment has been conducted to identify the potential impacts on the residents in that area. He said that when someone's child is killed because of an accident right across the street from the station, the City will face a significant prospect of tort liability and negligence for its selection of this site. He added that he is also concerned that the City is going to face both public and private nuisance suits similar to those being faced by the City of Phoenix and stated that class action suits should also be considered. Mr. Strong also

expressed concerns regarding whether current environmental impact studies have been conducted that take into account the thousands of residents who have moved in since 1998. He said that when they purchased their homes, they thought they were going to be across from a City park and a small processing plant that could barely be seen from the street and the current proposal cannot in any way be considered an improvement.

ERIC BLATT, 1582 E. Jade, a resident of the Saguaro Canyon subdivision, stated that all of the studies that were conducted are visions of the past and a vision for the future must be developed to meet current needs and move forward. When the plant was originally proposed, the land consisted of farm fields and the City allowed the zoning to be changed within a very short distance. He said that the facility should be located in a commercial or industrial area, not residential.

JONI LAIB, 1658 E. Prescott, a resident of the Symphony II subdivision commented that decisions are being made based on studies that date as far back as 1992 while the majority of new construction has taken place within the last few years. She emphasized that the new homeowners were never informed of the new transfer station. She added that as a real estate agent she read the public report provided by the builder, conferred with other builders in the area, called the City of Chandler to ask about the closing of the landfill and read in public brochures that there would be a recreational area where the landfill currently sits and added that she recently discovered that there is no funding for this in place. Ms. Laib advised that she read that the Paseo project would continue along the canal south to the Hunt Highway and would consist of hiking, biking and equestrian trails that would run along the canal banks while linking parks as it is developed. She added that she read that a portion of the site would continue to be used as a solid waste transfer station but never read or was verbally informed that the transfer station would be expanded. She pointed out that the City never placed a sign in front of the current facility stating its expansion plans. She requested that the Council review the infrastructure from a safety hazard point of view.

DEWITT GIBSON, 3522 S. Crosscreek Drive in the Lantana Ranch subdivision, displayed a picture which showed the view from the back of his two-story home and noted that they would clearly see the proposed facility. He said that the home he purchased was a newly constructed spec home and when he and his wife toured the house prior to purchasing it, they realized they could see the facility from their home so they expended extra care and diligence to contact the builder, the realtor and the City to determine exactly what would be placed on that site. He stated that they were told that the landfill would be closing and said they never received information regarding a transfer station expansion. He informed the Council that he considers his home to be one of his largest investments and was under the impression that the house would be across from a park not a transfer station. He also displayed a photo of the entrance to the landfill and a sign that stated that the landfill would be closing in October 2005 and directing residents to go to another transfer station located one-half mile north and enter at 3200 South McQueen Road. He stated the opinion that the language implies that the landfill and the solid waste transfer station are one and the same. He emphasized that a miscommunication has occurred and said he hoped they could all work together to find an acceptable compromise solution.

KIRAN MUDIAM, a resident of Lantana Ranch with a home located directly across from the landfill, stated that if people whose homes are located farther south are this worried, he should be extremely worried due to the close proximity of his home to the proposal. He urged the Council to make intelligent decisions regarding this very important issue.

MAYOR DUNN announced that he does not have any more speaker cards but had received 139 cards from citizens who opposed the project.

ANNE HARLOW, 3620 S. Springs Drive, said that she is speaking on behalf of approximately 250 homes in that community. She stated that in 1992 the plans were very appropriate out in the wilderness and close to an airport, however, over the last eleven years the site has considerably changed and the proposal should also change to meet current and future needs. She said she polled surrounding cities and inquired about the type of zoning that would have to be in place to allow a landfill and every one of them advised that it would have to be located within an industrial zoned area with no houses within a mile. She commented on the anticipated growth in population and the impact that will have on the facility and the transfer of trash. She stated that she spoke with Planner Thomas Ritz and was informed that there were industrial sites available in the City, the largest of which is located at Williams Field Industrial Park in west Chandler. Another site included the northeast corner of Frye and Nevada. She pointed out that infrastructure was already in place at those locations which would result in a savings to the City. She added the opinion that the site is a prime retail site and could generate additional revenues. She asked the Council to reconsider.

DON ADAMS, 1457 E. Carob Place, stated the opinion that some members of the Council appeared not to be interested in what the citizens are saying this evening. He said he heard at the first meeting that Councilmember Wallace was going to purchase a home in that area but decided there were too many things against her and asked whether she based that decision on inside information. He noted that a high school is located in close proximity and questioned the rationale behind expanding a transfer station at that location. He expressed traffic safety concerns and said that since January he has witnessed three accidents involving garbage trucks. He added the opinion that experts should be retained to identify appropriate sites, ones that are not located 3/4ths of a mile from single-family homes zoned residential by the Council.

COUNCILMEMBER WALLACE stated that she never made the statement attributed to her by Mr. Adams and has never looked for a home anywhere other than where she currently lives. She added the opinion that the entire Council has listened with respect to everyone's comments.

PATRICIA WHITSON, 3822 S. Tower Avenue in the Saguaro Canyon subdivision, stated that they were never advised of this when purchasing their home because if they had, they would not have bought the house. She stated that there are nights that she cannot tolerate being in her backyard because of the smell and she does not want her children playing out back because of that smell. She said that at the time she purchased her home she was told that the transfer station was part of the water reclamation center and it was not going to expand. She also questioned why residential zoning was allowed to go in so close to this site and asked whether their voices and concerns counted.

An unidentified member of the audience stated that she grew up in Oxnard, California, and advised that there are no single-family residences located next to the facility in that city. She said she bought her home because of the park and requested that they take this into consideration.

KASANDRA HUSAR, 1814 E. Aloe, commented that she is deeply concerned that she has purchased a home right next to a garbage facility and said coming from Portland, Oregon, where the air is nice and clean, it is a shock to smell the odors that emanate from the landfill. She expressed environmental and quality of life concerns and asked the Council to reconsider their actions.

CRYSTAL RUBIO said that the smell is disgusting and when people ask her where she lives she tells them right next to the dump but wants to be able to tell them that she lives in a beautiful home next to a really nice park. She stated that she is only 11 years old but she smells the odor like everyone else and it is offensive.

MAYOR DUNN said that the City's goal was to close the landfill as soon as possible and thanked all of the speakers for their input.

COUNCILMEMBER CACCAMO stated that one of the speakers talked about purchasing alternate sites, one on Germann and one out by Fire Training facility and said he would like to know whether these sites were examined and are viable options. He added that a lot of questions have been posed about disclosure and a breakdown in communication and asked whether the City made any disclosure statements to builders.

MR. SIEGEL responded that to move the facility to City-owned property would add eight months to the project and the consultants have indicated that the increase in cost would be approximately \$1 million. He added that a move to the sites suggested by Ms. Weems and Mr. Kopp would cost approximately \$100,000 an acre or close to it. He noted that the overall cost to move to a different site would be approximately \$2 million and it would add another eight months. He added that although there are steps that can be followed to keep the landfill opened longer, staff is not positive that this can be accomplished. He stated that he has no idea what the cost of the land would be in the area located near Germann and the railroad tracks but he believes it would be somewhat less than the other site.

MR. SIEGEL addressed the issue of disclosure and said that although it was before his time, he read staff's minutes of a meeting where the City's former Superintendent and Recycling Education Manager met with one of the developers on April 10, 2001. He said the discussion at that time was told about the landfill closure and litter that had been a problem. He added that they specifically asked what was going to happen when the landfill closed and the group was told that a permanent transfer station facility would be built. On June 26, 2001, because of the concerns that were expressed at that meeting, a group of builders asked to meet with City staff and that effort was headed up by Nachie Marquez and the result of that was the brochure previously brought up by the residents.

In response to a question from THE MAYOR, MR. SIEGEL said that there is clearly an odor coming from the landfill. He added that approximately eight months ago they met with the Superintendent and was informed that there was a problem with the dyke

along the Ocotillo side of the facility. The contractor who was working on the gas collection system drilled a couple of methane gas wells up in that site and breeched the dyke somewhat, allowing some odors from residential garbage to be released. He reported that the problem was fixed but the smell that the residents are now experiencing especially at night comes from the landfill. He also commented that in the sewer main in that area there are some hydrogen sulfide gas lines and over the last four weeks staff has expended effort to clean the sewer line. He noted that he lives in the area as well and since the line was cleaned he has not noticed the smell. He added that there were also odors that resulted from the expansion of the reclamation facility but they have since been eradicated. He summarized that a majority of the odor is coming from the landfill.

MAYOR DUNN asked what the closing of the landfill would entail and whether it would decrease the odor in that area. MR. SIEGEL responded that once the landfill was officially closed there are two ways to deal with the situation; first, to place a fabric type covering over the top of it and then a minimal amount of soil on top of that. He explained that this seals it and when it rains the moisture typically runs off to the sides so that it doesn't reach the waste. He said that there is also an alternative cover that can be placed on it and staff has been considering this option, which entails putting several feet of soil cover over it. He discussed his involvement in a closure in a different city where this technique was used and he said the soil has to be. He said that because the City is looking at an open space recreation area, the second alternative would be somewhat less expensive and would provide additional area between where the garbage is and the top of the surface that would become the open space. He stated the opinion that once this has been done there will be no odor at all and if there was, something would be wrong. He noted that the landfill will be monitored for the next thirty years and discussed the tests that are undergone.

COUNCILMEMBER WESTBROOKS commented that it is apparent that there has been miscommunication regarding this process but stressed the importance of getting beyond who is to blame and determining a solution. He discussed his visit to the Oxnard facility and said that one of the first things that struck him was that the facility was located within an industrial area and he could not see a home from the site. He said that it was a Sunday so the facility was closed and he did not get to go inside, but he walked around the facility and did smell an odor. He added that he felt that they are somewhat locked into the proposal because they have been planning it for so long, yet over 100 people showed up at the meeting to say either they didn't know about the project or that their understanding was that it was going to close at some point. He advised that personally he does not feel comfortable moving forward with this project tonight without doing more diligent research on options, conducting feasibility studies, and costs. He added the opinion that the situation is not an urgent one and a decision does not have to be made at this meeting.

COUNCILMEMBER WESTBROOKS commented that they may ultimately wind up coming to the same conclusion after additional research is performed and alternatives are pursued but from his standpoint, he would like to see more information regarding other possibilities, traffic studies, environmental impacts and those types of things. He compared the closeness of the facility to homes in Chandler opposed to Scottsdale and Phoenix and said that this is a serious concern and makes him feel uncomfortable. He acknowledged that he voted this in and voted for the homes to be built some time ago but added he didn't see this coming. He said he thought that

anyone who bought a home would be told that that the facility existed and was going to remain there and expand, however that has not happened. He advised that he would be more comfortable if staff performed serious research and study and perhaps some members of the audience interested in serving could be appointed to serve on a committee to pursue other possibilities that would meet everyone's needs.

MAYOR DUNN expressed the opinion that Councilmember Westbrooks' suggestion is one alternative but noted that a very narrow target exists in that the City wants to close the landfill but an alternative site must be identified to service a very vital need of the community. He noted that this has been a long process and said that the day the landfill is full there has to be an alternative site that can be utilized. He added that owners of alternative land parcels might not be willing to sell and the process can be a long one. He stated that he would be uncomfortable in locating a landfill establishment along the Price Corridor, the City's prime employment and industrial area that is key to the City's future. He added that they might never find the perfect site and explained that he wanted to point out that this is one of the prime responsibilities of the City and he wants the Council to be in the position to meet this need and do so in a cost effective manner that does not jeopardize the timeline. He pointed out that no matter where it goes, public hearings will have to be held and citizens will have to be provided proper notice in order to give their input.

In response to a question from THE MAYOR relative to the timeline MR. SIEGEL stated after the last compaction report, the consultant indicated that if they continued to bring in all the City's trash to that site, the landfill would probably be full sometime in the spring, near June. He added that the original plan was that if the facility was completed in January of 2005 or somewhere within that timeframe, that they could start diverting some of that trash out of there to Butterfield so they could operate the new transfer station during a "learning curve" type of process. In order to keep it open until October 2005, they originally thought they would be diverting some trash to Butterfield. He reported that the construction time for the transfer station is 12 months and noted that the design is already 60% complete. He added that it is a Construction Manager at Risk project so Phase I is being brought forward at this time and in January or February staff planned to bring forward Phase II, which is all of the actual buildings. He said that he would have to bring that Council memo forward for their consideration and that the site plan would need to be finalized in late January or early February.

COUNCILMEMBER WESTBROOKS concurred with the Mayor's remarks relative to the Price Freeway site.

In response to a question from COUNCILMEMBER WESTBROOKS, MR. SIEGEL stated that if the transfer station was completed in January or February of 2005, then they would have approximately six months after that from when they projected it to be full in July to the October timeframe. He explained that the project was delayed because of aesthetic issues.

COUNCILMEMBER WESTBROOKS requested staff input relative to the other sites that have been suggested. MR. SIEGEL responded that obviously he is aware of the fact that the Price Road corridor is an economic employment type area and said that he had not considered that as an option. He said another facility mentioned that was located off of 56th Street and approximately a half mile away is a neighborhood that

already contends with a lot of trucks traveling to the facility just south of them. He stated the opinion that there are not a lot of sites out there to accommodate such a facility.

In response to a question from COUNCILMEMBER WESTBROOKS relative to the feasibility of utilizing the site at the Santan Freeway near the industrial area close to Basha's warehouse, MR. SIEGEL stated that several months ago they had to bring a Council memo forward and they sold them a sliver of land so that they would have enough land for their retention basin.

MAYOR DUNN asked whether in that area the City was reserving some property in the General Plan for a potential wastewater facility if one is needed in the future. MR. SIEGEL responded that just east of the site is where the 52 acres was bought and reserved for a future plant.

MAYOR DUNN commented that the frustration is that a lot of the sites were chosen ahead of time to deal with the impacts of growth and the reason the landfill is in the middle of the City is because no one could imagine the City of Chandler ever building in that location. MR. SIEGEL noted that in 1997 Dan Cook headed up an effort that was assisted by a hired consultant who held public meetings out in that area prior to the purchase.

MAYOR DUNN questioned whether the land, with its close proximity to the airport and the runway, could be sold for other than public use. He asked whether there was any other site in the airport area that would be as attractive as this particular site. MR. SIEGEL responded that industrial development will be all around there and he is not aware of any area that would work better than the area being proposed.

MAYOR DUNN commented on the fact that extensive time would be needed to identify, purchase, design and construct an alternative site and noted that it would require doing direct haul for a period of time.

COUNCILMEMBER BRUNO recalled that a few members of the Council worked with Public Works in trying to identify alternative sites. She said that the problem now is that the bottom line is no matter where they put it, the facility is going to be near residential property. She added the opinion that they have to trust that staff has brought forward the best possible site for the facility. She agreed that the homes should not have been allowed to go in there and said that the facility would not be located anywhere else if the Council thought it would inhibit their lifestyles or decrease the values of their homes.

A MOTION WAS MADE BY COUNCILMEMBER BRUNO to approve the construction contract for Project No. SW0302-401 for Phase I of the Construction Manager at Risk project to Layton Construction of Arizona for the Solid Waste Services Complex located at 3200 South McQueen Road in an amount not to exceed \$3,470,814.00. COUNCILMEMBER WALLACE SECONDED the motion.

COUNCILMEMBER CACCAMO said he would like to be convinced that staff has exhausted every alternative and that this is the best site and there is no need to look at anything else. He added that Councilmember Westbrooks suggested that this be continued for another two weeks to pursue additional alternative sites and asked

whether staff thought there were other appropriate sites for the facility that warrant further research.

MR. SIEGEL responded that he is not aware of any other sites and that he would not be comfortable recommending that the Council select another site that will impact other people.

City Attorney DENNIS O'NEILL clarified that Mr. Siegel mentioned a one-year construction timeline but the contract period is one year and two months because the design is only 60% complete. He added that if Council is considering alternative sites, a couple of months would have to be added to the timeline to hold public hearings with the residents of the new area and another two months for the purchase of the property. He said that condemnation would be completely out of the picture because of the timeline so a voluntary sale would be necessary.

In response to a question from THE MAYOR, MR. O'NEILL said that he believed it would delay the project by at least a year and a half.

Acting City Manager PAT MCDERMOTT also noted that they would need eight months to design a new facility for the new site and if they proceeded in that direction they would have to either direct long haul to the Butterfield Landfill or add to the existing landfill if the State granted permission for the landfill to remain open for a longer period of time.

MAYOR DUNN pointed out that this means it would delay the project by approximately two and a half years and said that the City just does not have that much time.

COUNCILMEMBER WESTBROOKS said that he had been involved in the process but added that he still believes that they should at least look at this some more in an effort to find an alternative site.

MAYOR DUNN asked how much time he thought would be needed and COUNCILMEMBER WESTBROOKS responded that he understood that the City Attorney has stated that it would take at least two months just to go through the purchase process but added that he believes they should see whether there is some land that can be purchased. He said that it might turn out that there are no other options, but he believes the effort should be expended. He added that at a minimum he would like to see this reviewed by staff and have them report that they approached the owners of the properties and report back to the Council what they had to say. He expressed the opinion that a two-week or one month delay was worthwhile.

MAYOR DUNN commented that he believes the Council must make a decision in order to ensure that they can meet the goal of closing the land, having alternatives and things of that sort. He added that nothing prevents them from talking and looking at other sites even if they go ahead with this approval.

MOTION TO APPROVE THE ITEM CARRIED BY MAJORITY (5-2) with VICE MAYOR HUGGINS AND COUNCILMEMBER WESTBROOKS voting nay.

RECESS: Council recessed at 9:50 and reconvened at 10:10

41. DEVELOPMENT AGREEMENT GYM TIME

Ordinance No. 3495

Planner I KEVIN MAYO said that the case before the Council this evening (DVR02-0038 GYM TIME) is a request for rezoning from Planned Industrial District (I-1) with a Planned Area Development (PAD) Overlay to PAD for an approximate 31,000 square-foot children's gymnastics center with Preliminary Development Plan (PDP) approval for the building, architecture and site layout on the 3.2 acres of property located at 3705 W. Commonwealth Avenue on the NWC of N. Hearthstone Way and S. Hearthstone Way.

MR. MAYO advised that a petition in opposition was filed on July 2, 2003 and supplemented on October 17, 2003. The petition included the signatures of enough property owners within 150 feet of the site to constitute a legal protest. In addition, a petition in support was filed on October 20, 2003, which includes the signatures of property owners located within 150 feet who had signed the original protest petition. Those property owners no longer oppose the propose development and have removed their names from the original petition. The remaining property owners in opposition do not represent the State statute requirement of 20% minimum and therefore the legal protest has been removed.

MR. MAYO noted that the current PAD overlay, approved in 1987, designates this parcel as a transitional use allowing for residential, offices and community service institutions. Community service institutions can include uses such as Churches, Community Centers, a YMCA or a Boy's and Girl's Club. The proposed use does not fit precisely into the existing PAD overlay and that is the reason for the rezoning request. The Planning Commission and staff believe that the proposed use represents a transitional use as well as a compatible use with the surrounding neighborhood and provides a residential service which the neighborhood can utilize. The facility will complement surrounding neighborhoods due to a lack of noise pollution, hours of operation (not open real early or very late), the nature of the traffic generated by the use (parents with their children versus commercial and/or industrial traffic), and the provided traffic study has demonstrated a minimal traffic impact on the existing street system.

MR. MAYO said that the request has received extensive neighborhood work and five neighborhood meetings were held along with a Design Review Committee hearing. Neighborhood concerns include the building's height in relationship to the surrounding homes, potential traffic impacts on the neighborhood streets, the potential lack of overflow parking and the validity of this use as a transitional use. The applicant has responded by lowering the maximum height of the building from 36 feet to 33 feet eight inches, with over 50% of the building at 27 feet or lower. One-story corner elements have also been added to the building to soften the transition into the neighborhood and various sloping and standing-seam metal roof elements on all four sides have been included. The applicant has also added more parking lot planters with trees and has agreed that the trees on the southwest property line and the southwest building elevation line will be 12-feet high at planting to help screen the building from the adjacent homes. In order to address the overflow parking concerns, staff has added Stipulation #10, which states that *"any special events with greater than 70 participants shall require a Special Use Permit approved by the Planning Commission as well as the City Council."*

MR. MAYO noted that 100 parking spaces are being proposed and stated the opinion that the number is adequate for this use. He added that should Council determine it necessary, an additional stipulation could be added that states *"at the determination of the Zoning Administrator, the applicant shall be required to underground the retention providing the additional 33 spaces in the event that overflow parking is deemed necessary."* Council has received extensive notification in the form of phone calls and e-mails both in support of and in opposition to the rezoning request and will hear testimony from both sides this evening. The applicant has made numerous revisions to the site plan/landscape plan and building elevations in response to concerns and comments by the neighborhood, Planning staff and the Planning Commission. The Planning Commission, by a unanimous vote, and staff recommend approval of the request.

MAYOR DUNN asked whether the entrance on North Hearthstone Way, would allow parking and asked that in view of overflow issues whether a stipulation had been added to erect No Parking signs or indicate that parking would be prohibited in those areas. MR. MAYO responded that he would check with Transportation staff but believes that parking is not allowed on those streets on either side and where the road makes a turn, it was modified for the right turn to head west down South Hearthstone Way. He said he would confirm this issue and reiterated that staff believes adequate parking is being provided for.

VICE MAYOR HUGGINS asked whether parking would be allowed on Commonwealth and stressed the importance of providing adequate access and space for fire trucks and emergency vehicles. MR. MAYO stated that parking is allowed on both sides of Commonwealth and noted that it is a 65-foot wide collector street that provides sufficient room, with parking on both sides, for fire trucks and other safety vehicles to make proper movements. He added that the signage would be in accordance with City Codes and would not be lit where it faces the adjacent residential properties.

Mr. Ballard stated that the City could declare no parking along Hearthstone Way and "No Parking" signs can be erected and it could be made a condition of approval.

The VICE MAYOR asked that staff and members of the Fire Department revisit the parking situation on Commonwealth to ensure that on-street parking is safe and appropriate and if not, to post signs prohibiting it.

MS. DARIN SENDER, Senders Associates, said she represents the applicants who are proposing to bring the new facility into the City of Chandler. The applicants feel very strongly about teaching children and gymnastics and this would be a wonderful place to have their own children grow up as well as the children of Chandler and close nearby neighborhoods. Both the Planning Commission and staff support the proposal and the I-1 PAD in this area has been zoned since 1987. There was a prior industrial park/business park that subsequently turned into a residential neighborhood. This piece of property buffers that neighborhood from Chandler Boulevard and from other potential commercial or industrial uses further north. She stated the opinion that Gym Time would serve as a wonderful buffer for the neighborhood and represents a true transitional use as well as a true community service transitional use.

MS. SENDER reiterated that five neighborhood meetings have been held and a significant amount of neighborhood input has been received. The applicants wanted

to communicate with the neighbors because they hope to be their neighbors for a very long time. As a result, a large volume of support has surfaced and significant site and design changes have been made. She said that the only difference between the proposed use and another use such as a Church is that Gym Time would be for profit while the other uses are non-profit. Traffic, the size of the project and the type of uses would be the same. Three rows of trees will be planted to buffer the adjacent neighbors and a lot of the building elements are unique and provide for a smooth transition into the neighborhood.

MS. SENDER noted that the applicants plan to offer gymnastics training, instruction in cheer and some swimming instructions, trampoline activities, tumbling, etc. As a true gymnastics site, a minimum inside height clearance of approximately 24 to 25 feet is needed with the roof structure on top of that and the parapet on top of that. Effort has been expended to maintain extensive building setbacks and the facility is approximately 125 feet back from the property line at the nearest point and extends up to 200 feet at the farthest point to the nearest property line.

MS. SENDER stated that the packet of materials distributed to the Council shows similar uses in residential neighborhoods and discussed other projects that integrated the community with community centers. She referred to slides depicting the various design changes that have been made in response to neighborhood concerns and requests, including the lowering of the building itself and the corners of the building itself down to one story. In order to do this, they had to sacrifice a two-story viewing area for parents as well as a second story karate room for marshal arts training. She commented on the extensive landscape additions that are being proposed in response to citizens' concerns and noted that the applicant relocated a driveway so that the circulation is away from the access into the neighborhood area. She also referred to the traffic study that was conducted and said the results indicated that the project would have a minimal impact on the area.

MS. SENDER noted that the project currently contains 100 parking spaces and said that one of the Planning Commissioners requested that a re-use plan be developed. The back of the property provides sufficient space to do some under-grounding, if ever needed, and the site could easily be reused for other purposes. She added that the Planning Commission wanted to add a stipulation prohibiting parking on Hearthstone and stated that they understand why and agree. She questioned the necessity of Stipulation #9 that was added by the Planning Commission and basically states that the business will not operate on Sundays. She stated the opinion that added flexibility was needed to allow some other things to occur, such as individual training sessions or other types of small events. It is not the applicants' intention to operate the entire business on Sundays but they would like the flexibility to be able to hold smaller and/or individual events. She requested that this stipulation be removed. She reiterated the hard work that has gone into this project by everyone involved and asked the Council to approve their request.

VICE MAYOR HUGGINS asked what the view was going to be from the upstairs windows facing the homes. MS. SENDER responded that the view from that window is basically going to be the three rows of lined trees. The VICE MAYOR said he was concerned that people would be looking down in other people's backyards and asked whether changing the planting height from 12 foot to 18-foot trees would improve the situation. MS. SENDER commented that the only people who would be up in that

office area would be the applicants. She noted that the proposed "Sisu" trees, planted at 12 feet in height, are approximately 24 to 36-inch box trees and they can ultimately reach 50 feet in height although generally they are about 20 to 30 feet tall and they grow in width as well. She pointed out that if they were to use even 15-foot trees rather than the 12-foot, the ultimate cost of the trees would triple and result in an extreme hardship. She explained that some of the trees are deciduous and some become less deciduous as they get older. She stressed that the main problem with pine trees is that they lose their needles and are considered to be "dirty" trees.

In response to a question from THE MAYOR relative to signage on the building, MS. SENDER said that they don't have anything drawn up as yet but assured the Council that there will not be any signage facing the residents' homes.

MR. MAYO advised that the applicant has not yet proposed signage for this site and said that if the Council would like the signs to come back as a separate PDP for their review, a stipulation relative to this could be added.

COUNCILMEMBER WESTBROOKS commented on the comparable use analysis, particularly the YMCA, and asked what the height was of that building was compared to what is being proposed at this time. MR. MAYO advised that the bulk of the building is 22 feet high and there is a two-story section around the entrance to the YMCA that peaks out at 28 feet. He added that the YMCA was a two-phased development, the first consisted of 15,000 square feet and they provided 66 parking spaces. The second phase features an additional 38,000 square feet for a total of 182 parking spaces. He added that the required calculations came to 191 parking spaces for the 38,000 square feet.

MS. SENDER stated that the proposed building will be 31,000 square feet and they are proposing to provide 100 parking spaces.

In response to a question from COUNCILMEMBER WESTBROOKS, MR. MAYO advised that the parking was a big concern at first and a lot of time was spent determining how other cities evaluate unique uses such as this. The most accurate information staff found was to break the building into two portions. The parking for the pool and the surrounding pool decking was 1 to 1000 and the balance of the building was 1 to 300. The bulk of the building is 1 to 300 and the pool and surrounding deck area is 1 to 1000. He noted that the YMCA has an additional 90 spaces and the difference in square footage between the two facilities is approximately 7,000 square feet, Gym Time is 7,000 square feet less in size than the YMCA.

COUNCILMEMBER WESTBROOKS asked what hours of operation the applicant would want for Sundays.

SCOTT BARCLAY, the applicant, explained that basically they are not open for business on Sundays but sometimes birthday parties will be held that last for a couple of hours, special swimming or gymnastic parties for young kids are held and/or private lessons are given. He said they do not typically open for business on Sunday. He added that allowing the flexibility to hold those special sessions from 12 to 4 or 12 to 5 on Sundays would be greatly appreciated.

COUNCILMEMBER WESTBROOKS noted that on Sundays the YMCA is open 11 to 5 or 11 to 6 and said he is trying to get a feel for the amount of traffic generated.

MS. SENDER pointed out that as a gymnastics facility for children, it will have a different feel than any YMCA would where many adults are involved in activities. Some programs last an hour some two or three hours, a lot of overlap exists, and so the flow actually works out better because children don't drive.

MAYOR DUNN asked how late into the evening Gym Time would be open and MS. SENDER responded 9 p.m. on weekdays and about 4 to 5 p.m. on Saturdays. She said there will not be any late night or overnight activities.

In response to a question from COUNCILMEMBER ANDERSON, MS. SENDER advised that the cost for 15-foot trees would be over \$1000 per tree and based on the significant number of trees being proposed, the cost would be extremely high and pose a hardship.

COUNCILMEMBER ANDERSON asked how many vehicles they anticipate will actually drive in and out of the facility each week and MS. SENDER referred to data and reported that traffic at a typical recreational community facility is approximately 700 cars on a max-out day. She added that Gym Time is looking at a total number of 660 vehicles at max-out.

COUNCILMEMBER ANDERSON asked what the traffic flow was at the current time. MR. TY HOFFLANDER said that staff has estimated that traffic generation Mondays through Fridays in and out of the facility will be 660 vehicles every day all day long (330 trips in and 330 trips out). He added that a traffic study was conducted on Hearthstone Way during an afternoon peak hour from 5 to 6 p.m. and 268 vehicles were counted during that period.

SCOTT BARCLAY, the applicant in this case, stated that approximately two years ago they began working on building a Gym Time facility in the City of Chandler. He said he and his wife have been involved with children for the last thirty years and are extremely excited about this project. He added the opinion that the growth potential is very good and noted that 30% of their current students come from Chandler and 60% are in that direct area. He said that they wanted to be a family friendly facility and believe the proposed location is ideal for this type of operation. He stated that they do want to reach out to the community and over the last ten days have gotten to meet many of the neighbors. He commented that he understands the concerns that have been expressed by the neighbors and said they will continue to meet and talk with them in an effort to achieve a good, compatible neighborhood friendly relationship. He said that will serve the community as they have in the past. He advised that both CPR and First Aid classes are provided through their learn to swim program. He commented on the fact that a lot of work has gone into this project, which will greatly benefit the community, and asked the Council to approve their request.

MAYOR DUNN stated that a number of citizens have submitted requests to speak this evening and a large number of citizens who support or oppose the project have indicated their positions but do not wish to speak. He reported that 97 of those citizens indicated support and 29 indicated opposition.

MAYOR DUNN said that what is before them this evening is because of the efforts of those people on both sides who were willing to express their points of view, listen and then go back to the drawing board. He expressed his appreciation to them and said that the area under discussion is by far one of his favorite neighborhoods and added that the residents have always been very active in the community. He noted the uniqueness of the area and stated that when he looks at what is before them now and what they began with, although there may still be opposition, major improvements have been made. He also thanked staff, the Planning Commission and Design Review Board for their hard work.

BILL DONALDSON, 3725 W. Geronimo, speaking on behalf of the other residents in their community who have indicated opposition, addressed the Council and thanked the Mayor and Council, staff and the applicant for working very hard on this project. He said that his group has only been involved in the project since June when staff requested that they work with the applicant towards the development of a good project for Chandler. He added that they have been asked to do that in the past, have come out on their own to do that and will continue to do that in the future. It is an active, passionate and unique neighborhood.

MR. DONALDSON advised that some of the items they have provided as part of the input process are recommendations for stipulations and suggested changes that have been touched upon this evening. He requested that the Council strongly consider additional stipulations based on the questions that they themselves are asking. He stated that 133 parking spaces makes good sense to him and they would like to see that accomplished. In addition, he requested that they do not remove the Sunday stipulation or, at the least, restrict hours of operation on that day. He indicated their intention to remain involved, asked the Council to support their recommendations and thanked them for their time.

MAYOR DUNN thanked MR. DONALDSON for his input and noted that he was speaking on behalf of the group. He asked whether any other citizens wished to speak in opposition to the project and read the names of people who had submitted requests to speak. They declined since Mr. Donaldson adequately presented their opinions.

JENNY THOMPSON, 3875 W. Whitten Street, stated that she lives a little to the south in the development and utilizes Hearthstone Way, which is a two-lane narrow road. She expressed concerns regarding traffic and asked the Council to look further into this issue.

MAYOR DUNN commented to staff that there may be some traffic problems once the Santan Freeway opens and said they would need to pursue traffic calming options if problems develop.

In response to a question from VICE MAYOR HUGGINS, MR. DONALDSON stated the opinion that the members of the Council have questions themselves regarding this project and he and the residents are counting on them to ensure that stipulations are added that more fully address the concerns and/or clearly identify what will actually be going on with the project. He added that the answers to the questions that were posed were adequate.

MAYOR DUNN stated that he knows there are citizens present who want to speak in support of the project, but suggested that the Council consider bringing forth a motion at this time with suggested stipulations or amendments. He stated the opinion that it would be helpful to have something more specific to discuss and consider.

COUNCILMEMBER ANDERSON commented on the suggestion to add 33 parking spaces and expressed concerns relative to the "hardening" of that corner. He added that he likes the current design and added the opinion that the impact of that location will take care of itself. He stated that he can go either way, but he believes that the additional 33 spots is something that in the future the residents really won't want.

MR. DONALDSON advised that the "softening" of the corner was one of the residents' first concerns because there was an exit out of the facility onto Hearthstone Way. He said he agreed with Councilmember Anderson's remarks relative to the importance of softening the corner but stated that they have problems with the number of parking spaces that are being recommended.

MS. SENDER stated that although the applicant anticipates that the proposed 100 parking spaces will be sufficient, they do have the ability to expand the parking and have built that into the design of the project. In order to add the 33 spaces, they would have to underground all of their retention and despite the fact that this might become necessary in the future, at the current time they would like the number to remain at 100.

MS. SENDER explained that the applicants requested that Stipulation #9 relative to Sunday operations be removed simply because they want the flexibility to do a little extra sometimes on that day but not to full capacity. She added that they would also request that the size of the proposed trees at planting, 12 feet, remain unchanged and that the proposed window in the applicants' office be allowed to stay in place.

COUNCILMEMBER ANDERSON asked whether the likelihood of failure would be more prevalent if the facility was not allowed to operate small functions on Sundays within restricted hours. MS. SENDER responded that all of the additional items and changes do add up and the last thing the neighbors would want would be for the project to be approved and then not be able to generate sufficient revenues to keep it going. She noted that the applicants have already deleted some of the activities they would like to offer and reiterated that the significant cost of adding taller trees at planting would greatly impact the applicants.

MAYOR DUNN said he would like to take this opportunity to thank both the neighborhood, Ms. Sender and the applicants and staff for coming up with a proposal which he believes is very transitional for this area. He noted the significant changes and upgrades that have been made and said they have done an excellent job in responding to concerns. He added that he agrees with staff's recommendations and all of the stipulations with the exception of Stipulation #9 which prohibits operation on Sundays. He expressed the opinion that all parties involved have come up with a wonderful compromise and again thanked them all for their hard work.

COUNCILMEMBER WALLACE commented on the fact that the involvement of the neighbors always results in better projects. She added that the committees also work

very hard to ensure that the projects are excellent when they are brought before the Council.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER WESTBROOKS, to introduce Ordinance No. 3495, DVR02-0038 GYM TIME, rezoning from Planned Industrial District (I-1)/Planned Area Development *PAD* Overlay to PAD for a children's gymnastics center, along with Preliminary Development Plan for building architecture and site layout, on property located at 3705 W. Commonwealth Avenue with the change in Stipulation No. 9 to allow Sunday hours from 12:00 (noon) to 5:00 p.m.

MAYOR DUNN commented that 20 citizens have requested to speak in favor of the project and asked if anyone still wished to speak at this time.

MARLENE WHITNEY, 267 S. Kenwood Lane in the Hearthstone subdivision, stated that she and approximately six of her neighbors are very excited about the project and said that although there may be some increase in traffic, adequate access has also been provided. She added that the project is aesthetically pleasing and will positively impact the community, particularly the children who will benefit from the programs. She said she is very proud of her neighborhood and everyone's effort to make this a better project.

KIM AMES, 3961 W. Saragosa Street in the Hearthstone subdivision, stated that she has lived at her current address for over four years and has seen a lot of growth. She added that she supports the proposal and believes the location is appropriate and the facility will improve the quality of life in their neighborhood. She said that the facility will offer great opportunities for the children and will increase City revenues. She requested that the Council vote in support of Gym Time.

MAYOR DUNN clarified that in regard to his concern about parking on Hearthstone, it is his understanding that staff would proceed in placing No Parking signs along Hearthstone. MR. PATTERSON advised that they would follow up on this.

THE MAYOR asked if anyone else wished to speak on this matter either in support or opposition.

EVA BRUNETTE, 290 S. Hazelton Drive in the Hearthstone subdivision, stated that she and her husband are very excited about Gym Time moving into the area. She said she visited their facility in Tempe last week and there were approximately 35 children there and only four parents. She stated the opinion that the project represents a great use for the site and asked the Council to approve the request.

An unidentified resident of Chandler stated that he has been a gymnast for a number of years and commented on the great opportunities this activity offers. He said he is happy that everyone supports this project and thanked the Council for their time.

JOE SCHABACKER, 1751 W. Linda Lane, read a statement of support which stressed the positive impacts of the project on the entire community and attested to the character and integrity of the applicants. He requested that the Council approve the project at this time.

There were no additional citizens wishing to speak and the Mayor called for the vote.

The motion CARRIED UNANIMOUSLY (7-0).

RECESS: Council recessed at 11:30 and reconvened at 11:40.

BRIEFING:

MAYOR DUNN announced that in addition to the presentation tonight from Maximus, there will be a public presentation on Friday.

1. Police Department Organizational Review

At the March 21st City Council meeting, Council authorized Maximus to conduct a Police Department Organizational review. The purpose of the review was to conduct a thorough evaluation of the Police Department that was professional and unbiased, and would identify the Department's core strengths as well as those areas that may be improved.

The Scope of Work developed for the RFP encompassed a comprehensive review of the Police Department including: 1) Training, 2) Organizational Climate, 3) Communication, 4) Organizational Structure, 5) Best Management Practices, 6) Technology, 7) Management Practices, 8) Relationships with other Departments and Divisions, 9) Review of Random Incidents, and 10) Review of Sierra Palms Incident.

The City of Chandler Police Department is third time accredited department by CALEA, a national independent accrediting organization. The purpose of the accreditation program is to improve delivery of law enforcement service by offering a body of standards, developed by law enforcement practitioners, covering a wide range of up-to-date law enforcement topics. The City has developed the necessary policies and procedures that assist officers in performing their jobs on a daily basis.

One of the main goals of the review was to evaluate how these policies and procedures are implemented. The review also looked at the organizational climate within the Police Department, how technology is utilized, the relationships that exist between the Police Department and other City Departments, as well as fiscal responsibility. Many of the items that are part of the comprehensive review go beyond Police policy and procedures and get into the actual implementation and practices of the Department.

At the beginning of the project, Maximus held three meetings at the Police Department for Police employees to provide an overview of what the review would involve and to allow them to ask any questions they may have on the process. A survey was sent to all Police Department personnel in order to provide them with the opportunity to comment on how well the Department is operating and to identify areas for improvement. Of the 400 surveys distributed, 225 were returned as part of the study. In addition, employees were given the opportunity to meet individually with members of the Maximus team. The compilation of this information provided a good basis for determining the organizational climate that exists in the Department. Maximus also conducted numerous interviews with employees from other City departments as well.

Maximus conducted a number of community forums at which citizens could give their input on Police operations and citizen relations. There were two general, open meetings and six smaller

focus groups at which individuals were invited to participate. These included business interests, social services, neighborhoods, minority representatives, Hispanic community and day laborers. The meeting with the day laborers was very informal with a member of the Maximus team going to the Day Labor Center for the meeting. In addition, the Maximus team met with members of the Human Relations Commission and the Chandler Citizens' Panel for Review of Police Complaints and Use of Force Commission. It is estimated that through these various forums, Maximus met with approximately 150 + citizens.

As part of the review Maximus and the City established a Project Steering Committee that met throughout the project to provide suggestions, review the draft document and critique the findings, conclusions and recommendations. This Committee consisted of Acting Chief Dave Neuman, Commander Rick Brzuchalski, Detective Gary Minor, Assistant City Manager Rich Dlugas, Assistant to the City Manager Marian Stanley, Human Resources Director Debbie Stapleton and citizens Joe Garcia and Rick Heumann. This Committee was invaluable, providing tremendous oversight and reality checks throughout the development of this report. We were very fortunate to have such dedicated and insightful participants on the Project Steering Committee.

CRAIG FRASER, Lead Project Manager with Maximus, stated that it has been a very interesting project working with the Chandler Police Department. It is a very complex and solid organization, but there are two major areas for improvement. The first is the need for the Department to continue to work and improve community relations. There were focus groups and forums held with citizens and the overall impression was that there continues to be a need for community outreach. The second area needing improvement is inter-departmental concerns with departmental systems.

He stated that they were also charged with investigating the Sierra Palms incident where Officer Jim Snedigar lost his life. He commented that two tactical specialists were hired by Maximus to reconstruct the incidents leading up to the shooting of Officer Snedigar and several things became apparent during this review. There was some information not provided to the incident commanders in part because the situation had changed from what the team had originally encountered. Typically what happens in this type of incident is there would be a single dwelling with a team working on that dwelling and having the commanders with them.

At Sierra Palms, there were 320 apartments in 30 buildings that had to be searched. The command post was in a separate location necessitating only radio communication and not face-to-face contact. This was new for the Chandler SAU (Special Assignment Unit) and also new for other teams around the country. Training was not available for working such episodes which was also evident in the Columbine incident a few weeks following the Chandler incident.

Mr. Fraser explained there were several key points of information that the tactical experts discovered the team did not have. One was that there were assault weapon magazines found in the suspect's car. That information was transmitted by radio and most of the team members knew about it, but not the commanders because of trying to monitor multiple radio channels.

Other information that was not transmitted was that earlier, before the teams had assembled, there had been an attempted break-in at one of the apartments by what may have been one of the suspects. The person reporting the incident to the 911 dispatcher mentioned they had seen a weapon butt sticking out of a bag that the suspect was carrying. That information was not transmitted to the incident commanders or to the team. This could have been an indication that the suspects were armed with more than the hammer and pistol used to rob the jewelry store in Tempe.

He added a final piece of information that was not transmitted properly was that the apartment had vertical blinds which prevented the police from seeing inside. The team members were aware of that, but the information was not transmitted to the incident commanders.

Mr. Fraser reported that the team has focused on the lack of proper information transfer. They understand the great amount of concern that everyone has all the information available affecting an incident of this type.

He reported that training for large incidents had not taken place previously. He added there are now a number of critical incident plans and there are ways of communicating and bringing in teams from surrounding jurisdictions. Tactical experts are confident that the communication protocol has been changed and improved.

Another training aspect was that the team had trained as a large unit rather than individual units. In the Sierra Palms incident, searching 320 apartments was extreme. In order to maximize the use of those with tactical training, the SAU was divided into three groups – two entry teams and a third perimeter team. They had trained together and not unit by unit. That has since been changed so everyone on the team works better together and knows their responsibilities. They knew them then, but there was a lack of familiarity with who did what which also has changed.

Other on-going changes include the use of technology and equipment. It sometimes takes an episode such as this before people realize there are needs that help improve the safety of the officers involved and the public that may be at the mercy of the offenders. Now there are 16 training hours per month required. Other procedural changes include other agencies involvement in training.

The team is now aware of the need for on-going leadership. One of the issues during the Sierra Palms incident was that the commander of the team, who was a lieutenant, would sometimes have collateral duties or could be perceived of having collateral duties that may conflict with the duties of a SAU commander. If that person were a member or part of the Professional Standards Unit or head of the Homicide Unit, they might have to investigate in that role or have their officers investigate something the SAU had done. He stated he believed the department has also taken care of that.

Mr. Fraser advised there were rumors that there was not a debriefing after the Sierra Palms incident, but has confirmed that one was held, although it may have not been general knowledge within the department. He commented it was very important that teams have a thorough debriefing which the team now does and it was also important to learn from the things that worked well and those that did not work.

Another aspect Maximus was asked to review was the make-up of the team and whether it should be a full or part-time team. Another question raised had been the idea of an East-valley tactical team. Mr. Fraser said that as it was reviewed by Maximus, there are not enough call-outs to justify a full time team. There are a number of overlaps between the Investigative Services Units (ISU) and members of the SAU, but they were not acting as a full-time special weapons and tactics team. He stated that yet there were enough instances in Chandler that it was feasible to continue frequent team training. He said an important aspect of the current status is closer cooperation/coordination with the other teams in the valley and believes that this is currently being addressed through a number of training exercises and meetings.

Mr. Fraser stated the most fitting tribute to Officer Snedigar would be the continuing development of this team as it improves and ensures safe operation with concern for team personnel, insuring everyone has the necessary information to make the right decisions contributing to enhanced safety for the residents of Chandler.

MAYOR DUNN complimented MR. FRASER on the thoroughness and sensitivity of the study. Mr. Fraser stated that they received excellent cooperation.

MR. FRASER continued by summarizing some of the highest priority recommendations. Most of the recommendations require an expenditure of staff time which could involve overtime and a few of the recommendations have a cost attached.

One of the recommendations dealt with decentralization. As the City grows and problems become more decentralized, there should be decentralization in the department into three police divisions – one in the west, one in the central part of the City and a third in the southeast. He estimated the southeast station could cost approximately \$10-15 million, but will not be needed for five years or more. Personnel will be needed to staff the decentralized system which would necessitate a structuring change as presented in the report. It would include four assistant chiefs, an additional commander, additional lieutenants and sergeants to ensure there is solid control across the entire city.

Mr. Fraser said another priority is to begin to plan now for the acquisition of a new records management system. The State of Arizona has decided to utilize the National Incident Based Reporting System which requires more data to be forwarded to the State and on to the Federal Crime Reporting System. The current system will not accommodate that need. It would be easier to find a vendor offering a proven system. He estimated that the cost would be \$2-3 million and it could be necessary within the next 2-3 years depending how quickly the State moves toward implementation. He explained there also may be some Federal monies available toward implementing a new system.

Mr. Fraser stated the other recommended changes are basically personnel changes that can be done through the normal budget cycle or through GAP requests over the next several years.

Mr. Fraser reviewed the recommendations from the study that are of high priority, some of which are already being addressed.

- Improve Community Outreach with the Hispanic population. The department needs to have methods to communicate with its undocumented population because they are often victims and witnesses and need to feel they can trust the Police Department. This is primarily a staff time issue that can be accomplished with assistance from the Human Relations Commission.
- The Department needs to revise its policy on the release of public information regarding the notification of persons not at the scene but who are involved through kinship or other substantial relationship.
- The Department should reconsider how investigators are scheduled. They currently work on a 4-10 schedule on weekdays. The Department needs to analyze when call-outs are most likely to occur, the feasibility of additional detectives on weekends, and consider whether a 4-10 schedule matches the workload and provides a good benefit for personnel.

- The Department should begin a time tracking system to determine the amount of time typically necessary to complete a thorough case investigation. This can be accomplished by tracking how much time is spent closing cases and looking at the number of cases to determine the correct number of investigators.
- The Department needs to determine if detention officers should be trained, certified and allowed to carry firearms. They currently carry pepper spray and are being trained for the use of tasers.
- The Department should immediately increase dispatching staff by two positions during the 2:30 p.m. to 10:30 p.m. shift to adequately cover current deficits.
- The Department was not receiving full value from the transfer of the Neighborhood Services unit to the Police Department. Departments with integrated code enforcement with problem-solving community policing have found that it is of great benefit when the two work closely together. One of the recommendations is to put Neighborhood Services with the patrol operation. Code enforcement staff can be on premises without probable cause or reasonable suspicion for inspections. Consideration should also be given to whether the Neighborhood Services supervisor should be sworn. That change is currently underway as well as ensuring the Neighborhood Services officers have the ability to issue civil citations.
- Currently, when arrests are made in Chandler and transferred to the county jail, there is a booking fee of approximately \$108.00. When they are transported back to court in Chandler, if they are not released and transported back to the county, Chandler has to pay the booking fee a second time. There is a procedure that may allow people to be "checked out" to go to court. The City should examine how often this happens and if it would be worthwhile to explore with the Sheriff. The prisoners still have to be returned to the jail at the end of the day even if they are to be released.
- Increase the function of the crime lab. Currently, primary functions are blood alcohol testing and to determine if a substance is marijuana.
- Lieutenants in the Chandler Police Department need to continue to be treated as exempt staff members and their salaries adjusted up one grade level. Currently there is "salary compression". Because of the closeness in pay scales between lieutenants and sergeants and because sergeants get paid for holidays, shift differential, overtime and extra duty, many sergeants make more money than the lieutenants. There needs to be some separation and it is recommended that lieutenants continue to be exempt as part of the management team, but their salaries are increased to eliminate the discrepancy.
- There needs to be a comprehensive staffing plan developed by the police in conjunction with Human Resources by creating civilian positions whereby sworn officers could be moved out of positions that could be filled by civilians. This would eliminate the need for more sworn officers.
- There needs to be a system in place where civilian job descriptions include police experience valued as part of that job. Civilians expressed concern that if they are looking at a law enforcement career, the current personnel system is open city-wide and outside the city. There should be some value given to prior police work or knowledge of internal

operations. This is a staff-time issue that will assist in giving dedicated civilians the motivation to advance their careers within the department.

- There is a need from a disciplinary standpoint to review the chart of sanctions which explains the consequences if there is an infraction. As an example, if an employee is tardy a number of times, each tardiness counts against them, but if there is also another type of offense, each offense is tracked separately. The Department needs to create a system placing offenses in "classes" and with second offense in that particular class treated more severely.
- There needs to be enhanced examination of the performance evaluation forms. One of the concerns expressed by Department employees was fairness, equity, favoritism, and the "good old boy system" is perceived. The only way to change the perception is by making sure the review system is good and equitable. These changes are currently underway.
- Over the last several months, ongoing improvements have been made between the City and human relations.
- The Fire Chief and Police Chief need to establish a series of monthly command meetings to focus on critical incident response. They work well together, but there is not a formal system in place. There needs to be communication between the departments which has been occurring. It is an important aspect to ensure there is a system in place in case of a disaster.
- There needs to be a comprehensive needs assessment every two years. The Department uses a catalogue approach to training that allows employees to sign up in advance for courses. There should also be a tool whereby officers are asked what training they need and what training their supervisor needs. First line supervisors are asked what training they need, what the people reporting to them need and what the people they report to need. This information should be used to create a comprehensive two-year training plan for all levels of department training.
- It is important that there be contact policy between the City Attorney Legal Advisors and the Police Department staff in situations that may lead to potential litigation. Documentation needs to be made of contacts between the Attorneys and police officers to make sure the intent was achieved.

COUNCILMEMBER WALLACE commended Maximus for the timing in which the study was completed and complimented City Staff for their cooperation. She noted that a number of the recommendations are being implemented under the leadership of Acting Chief Neuman. Councilmember Wallace also commended Dawn Snedigar on her diligence in pushing for the review and the research she has done. She found the report have constructive recommendations on how to improve the department.

COUNCILMEMBER WESTBROOKS asked what timing range is considered short term. Mr. Fraser responded that they considered short term to be approximately 18 months with medium term being 18 months to 3 years and long range being beyond 3 years. Councilmember Westbrook thanked Maximus for a very objective and accurate report and being able to gain the confidence of the department to obtain information needed to compile a very comprehensive

report. He also thanked the department and citizenry for their input in enabling a report to be generated that will enhance our level of service

MR. FRASER also complimented the citizen volunteers, City Staff and the police department personnel for their willingness to participate in a positive way.

COUNCILMEMBER BRUNO also complimented Maximus and Staff for their work. She expressed concern about some of the rankings, one of which is community policing. MR. FRASER explained that the rankings were the result of the Organizational Climate Survey. He stated the ranking is not low, but rather lower than other parts. He explained that rankings were done on a 3-point scale – critical and needed immediate attention, medium things were important and low for non-important. Almost every item was at least medium on the scale. The items ranking highest on the scale were internal issues. Community issues were not low, but prioritized lower.

MAYOR DUNN commented that it has been a long process and thanked Maximus for their professionalism, the residents for their input and cooperation from the department. He thanked the Council for authorizing the study which was needed to restore public confidence. He commented the City now has a “blue print” to make the Chandler Police Department better to reflect the rapid growth of the community and added that the timing is very apropos with a new police chief coming on board by the end of the year in that this study will give that person an opportunity to address the issues right away.

THE MAYOR said he feels that the report shows that the Chandler Police Department is fundamentally solid; has a high caliber personnel; is provided with excellent equipment and has the support of the community.

He said he felt overall, the citizens feel it is a very good police department that is confident, caring and professional.

COUNCILMEMBER ANDERSON stated that he had the opportunity earlier to ask the Police Chief candidates if they had read the Maximus report and they all had. They commented that Chandler has an excellent police department. The report shows that while there are some areas for improvement, the department is fundamentally solid.

THE MAYOR reminded everyone that the review will be presented at 11:30 a.m. at the Community Center for the public. The report is on the City’s website as well as copies available at all libraries and the City Clerk’s office.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that in honor of the Arizona League of Cities and Town Strong Cities Week, “City Hall at the Mall” will be held on Saturday, October 25th. The visitor kiosk at the Chandler Fashion Center will be manned by City personnel from 10:00 a.m. to 6:00 p.m.

THE MAYOR also announced that the opening of the first stretch of the Santan Freeway will be held on Saturday, November 15. The festivities will be from 8:00 a.m. to noon with the official ribbon cutting with Gov. Napolitano at 8:30 a.m.

MAYOR DUNN gave a recap of the Architectural Excellence Awards event held on October 21st. He stated it was an opportunity to recognize those businesses best representing Chandler's high excellence in design. It was a very successful event and will be held on an annual basis.

B. Councilmembers' Announcements:

COUNCILMEMBER WALLACE offered condolences to the family of former Fire Chief Bart Beckwith who passed away this week. She also commended the Fire Department on the memorial service.

MAYOR DUNN commented on the gratitude offered by other communities at the memorial service.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 12:40 a.m.

ATTEST: _____
City Clerk MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 23rd day of October 2003. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of _____, 2003.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library, 22 S. Delaware, on Thursday, November 6, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:	Boyd Dunn	Mayor
	Lowell Huggins	Vice Mayor
	Dean Anderson	Councilmember
	Patti Bruno	Councilmember
	Bob Caccamo	Councilmember
	Donna Wallace	Councilmember
	Phillip Westbrooks	Councilmember

Also in attendance:	Pat McDermott	Acting City Manager
	Rich Dlugas	Assistant City Manager
	Dennis O'Neill	City Attorney
	Marla Paddock	City Clerk

Staff present: Nachie Marquez, Mark Eynatten, Garrett Newland, Chief Roxburgh, Patricia Walker, Dave Siegel, Doug Ballard

INVOCATION: The invocation was given by Reverend Tom Rakoczy – First Assembly of God.

PLEDGE OF ALLEGIANCE: Councilmember Westbrooks led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. City Services Academy Graduation

MAYOR DUNN was joined by COMMUNITY DEVELOPMENT COORDINATOR PAT TYRRELL in recognizing the following participants in the City Services Academy:

Pat Banks	Marilyn Barth	Julie Benson
Janice Blackmon	Gerald Boschma	Shiela Boschma
Betty Bowen	Bob Clark	Donna Devoe
Lorraine Edgar	David Eske	Heather Figeroa
Shawn Gardener	Mike Gammon	Glenn Gorke
Bill Horn	Jacqueline Isreal	Margaret LaBaw
Loren Lunsford	Connie Lunsford	Michael Palermo
Juanita Miranda-Kennedy	Dorothy Ruoff	Gypsy Senee
Dave Soletski	Dwight Thayer	Jennifer Thompson
Angela Trevino		

Also attending the City Services Academy, but unable to attend the Council meeting, were Philip Alexander, Jim Amdahl and Todd Steddom.

THE MAYOR thanked the participants for becoming involved in City operations and dedicating their time to learning about the various City departments. MR. TYRRELL thanked City Staff for

their participation and Neighborhood Programs Administrator CRYSTAL PRENTICE for organizing and coordinating the program.

2. Robert Atwood – Concerns with the Tuscan Springs Project

ROBERT ATWOOD, 1298 E. Buffalo, addressed Council with his concerns regarding raised elevations on properties behind his house. He expressed his concern about having two-story homes built on the property line behind single-story homes that would impact privacy. He said when the project was originally approved, he was not able to see any drawings or plans for the project and no one was able to answer his questions about the elevations.

MAYOR DUNN asked PLANNING AND DEVELOPMENT DIRECTOR DOUG BALLARD to respond to Mr. Atwood's concerns. MR. BALLARD suggested a meeting be set up on Friday with Planning Staff and Mr. Atwood to review elevation regulations and how elevations are established. Mr. Ballard agreed with Mr. Atwood that there currently was too much dirt at the location and reported that Staff has put the developer on notice that the excess dirt will need to be removed to meet the elevations in the approved plans. He added a hold has been placed on any permits for the homes until the dirt is removed. Mr. Ballard said there are four homes abutting the equestrian easement to the west of the property (Mr. Ballard displayed an overhead). The two at the end of the lane will be one-story as will be the one on the southwest corner. The home near Chandler Boulevard abutting vacant land will be 1-½ stories. Mr. Ballard stated there would not be any two-story homes along the property line. The contractor has also been advised that the soil that spilled over into the equestrian easement must be removed.

Mr. Atwood explained that the drawings show his property going down, which it does not. There are no telephone lines or water irrigation pipes shown in the drawings deeming them to be inaccurate.

MAYOR DUNN informed Mr. Atwood that although this is a previously approved project, Staff would work with him and would continue to ensure it is done correctly.

2. Tony Dibonito – Presentation Regarding Action & Reaction Concerning Car Crashes

MR. DIBONITO addressed the Council regarding the safety of vehicles and air pollution. His concerns were focused on getting car companies to build safer, cleaner running vehicles and suggested a class action suit to help accomplish this.

The Mayor thanked Mr. Dibonito for his remarks.

UNSCHEDULED PUBLIC APPEARANCES:

There were no unscheduled public appearances.

CONSENT:

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER CACCAMO, to approve the Consent Agenda including technical changes to the fee schedule (Item #13) as presented by Public Works Director BRYAN PATTERSON. The motion carried unanimously 7-0.

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Meeting of October 23, 2003.

2. WIRELESS TELECOM USE AGREEMENT: VoiceStream Ord. #3487

ADOPTED Ordinance No. 3487 authorizing a Wireless Telecommunications Use Agreement with VoiceStream PCS III Corporation granting an Encroachment Permit for a site at the Richard T. Felix Police Property and Evidence Building.

3. REZONING / PRELIMINARY DEV PLAN: Gold Canyon Candle Ord. #3494

ADOPTED Ordinance No. 3494 (DVR03-0024) Gold Canyon Candle Company, rezoning from County IND-2 to City zoning PAD for candle manufacturing along with a Preliminary Development Plan on approximately 20 acres and located south of the SEC Riggs Road and Arizona Avenue.

4. REZONING / PRELIMINARY DEV PLAN: Gym Time Ord. #3495

ADOPTED Ordinance No. 3495 (DVR02-0038) Gym Time, rezoning from Planned Industrial District (I-1)/Planned Area Development (PAD) Overlay to PAD for a children's gymnastics center, along with a Preliminary Development Plan for building architecture and site layout, on property located at 3705 West Commonwealth Avenue.

5. PROPERTY TRANSFER: Jack In The Box Ord. #3511

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3511 authorizing the transfer of properties as outlined in the ordinance to Jack In The Box, Inc. subject to the conditions set forth in the Settlement Agreement between Jack In The Box, Inc. and the City of Chandler and authorizing the transfer of the properties also described in the ordinance to Benton-Robb Development Associates, L.L.P. subject to the conditions set forth in the amended and Restated Development and Disposition Agreement between the City of Chandler and Benton-Robb Development Associates, L.L.P.

Under the Amended and Restated Development and Disposition Agreement with Benton-Robb Development Associates, L.L.P., there is the potential that the City will need to transfer a small portion of this site to Benton-Robb Development Associates, L.L.P. for them to transfer the property to the property owner at the southwest corner of Chandler Boulevard and Washington Street for expansion of the parking lot at that site.

6. USE AMENDMENT / PRELIMINARY DEV PLAN: Cobblestone Square Ord. #3501

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3501 (DVR03-0027 / DVR03-0002) Cobblestone Square, a Planned Area Development (PAD) amendment to modify the allowed uses from a physical therapy office to retail with Preliminary Development Plan (PDP) on a portion of an approximately 7.38 acre site at the SEC of Ray and McQueen Roads. (Applicant: Ed Bull, Burch & Cracchiola, P.A.; Owner: Fulton Homes.) The development was zoned PAD in June 2003. Prior to Council action, the physical therapy user (Building B) withdrew from the development. The applicant informed staff that they would file a zoning amendment for Building B and remove future Building J.

The site is bounded on the east by single-family residential and a church, single-family residential to the south, townhomes and a commercial center including an Osco drug store and KinderCare Learning Center to the west, and a Safeway anchored commercial shopping center to the north. Single-family residential is at the northwest corner of Ray and McQueen Roads.

This application requests approval for retail shops in Building B. The commercial center includes an Eckerd drug store at the intersection corner and general/medical office buildings on the sites' southern portion. The request is in substantial conformance with the original PAD zoning with site layout and building architecture being consistent with the original zoning quality and intent. Modifications to the approved PDP include building architecture, site layout and signage for Building B. The building's location remains the same with modifications to the parking area south of Building B due to the removal of future Building J which provides improved vehicular access on the south side of Building B. The building area is unchanged and provides for a maximum six tenants.

The proposed building signs are consistent with the approved sign plan, except the north elevation includes six tenant sign areas instead of two as in the original plan. The original PDP included a comprehensive sign package meeting the Sign Code requirements and additional quality standards for commercial and office development. The developer requested a waiver for office signage to allow two monument signs having four tenant panels on each sign side instead of the maximum two sign panels allowed by Code. The additional sign panels provide business name exposure for interior office tenants. This was approved with the PAD zoning and does not propose any changes to this approval.

Notification was made in accordance with the City of Chandler Zoning Code requirements and Staff is not aware of any opposition to this application. An adjacent homeowner contacted Staff and requested there be no sexually oriented businesses in the retail shops. Staff has added a zoning condition reflecting such.

Upon finding consistency with the General Plan, Planning Commission and Staff recommend approval of the rezoning amendment with Preliminary Development Plan subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Cobblestone Square – SEC McQueen Road and Ray Road, PAD and PDP amendment", kept on file in the City of Chandler Planning Services Division, in File No. DVR03-0027, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3466, case DVR03-0002 Cobblestone Square, except as modified in condition herein.
3. No sexually oriented businesses, as defined by the Zoning Code, shall be permitted.

7. LEASE AMENDMENT: Hangars Unlimited, Inc.

Ord. #3502

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3502 authorizing the City to amend an existing lease agreement with Hangars Unlimited, Inc. extending by four months the dates of full completion for the three phases of new hangar construction and the dates for exercising options on additional land parcels. Council approved the original lease on November 21, 2002, establishing the time in which construction of the three planned phases must be completed. Due to several factors including the length of time to process the lease, Hangars Unlimited, Inc. has requested an extension be granted for the completion of construction

deadlines for each of the three phases of construction as well as the time in which options must be exercised on two parcels of land identified in the ground lease.

8. REZONING / PRELIMINARY DEV PLAN: Santana Ridge Apartments Ord. #3504

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3504 (DVR03-0026), Santana Ridge Apartments, rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for an apartment complex with Preliminary Development Plan (PDP) south of the SWC of Gilbert and Queen Creek Roads. (Applicant: Whitneybell Architects.)

The site is bounded by vacant property zoned for single-family development on the west (Abralee Meadows subdivision) and east (Layton Lakes Master Planned Community), and existing single-family ranchettes and small dairy milk processing plant on the south.

The application proposes 26 two-story apartment buildings, one recreation building and five one-story garage buildings with an overall density of 14.1 dwellings units per acre. Vehicular access to the multi-family site is accommodated by a gated entry at Gilbert Road and egress from Markwood Drive which provides access to the future commercial development to the north.

Single-story garage buildings along the western site boundary provide an intermediate buffer between the apartment buildings and the adjacent single-family development. A dissimilar use landscape buffer with 12' tall evergreen trees placed 20' on center along the site's south and west boundaries provide adequate visual screening.

Parking lots are internalized to provide an enlarged landscape effect along the street and low screen walls are located between buildings to encourage views into the complex. The Gilbert Road entry drive is highlighted with a formal placement of date palms.

The proposed complex is in conformance with the General Plan which indicates that the subject parcel is located within the Chandler Airpark Area Plan designating the site for high density residential allowing a density range of 12.1 to 18 dwelling units per acre or greater. This project has a proposed density of 14.1.

The Section 13 Area Plan also designates this site as high density residential. Section 13 is bounded by Queen Creek Road to the north, Gilbert Road to the east, Ocotillo Road to the south and Cooper Road to the west. The Plan was amended in 2001 as part of the adjacent Abralee Meadows single-family development changing the high-density residential designation along Queen Creek Road to low density residential to allow for the Abralee Meadows single-family subdivision and allocated all the high-density residential use within the square mile to the subject parcel. The Area Plan amendment shifted the collector street alignment (Markwood Drive) further north, between the subject site and commercial site.

Staff feels the development is appropriate based upon its conformance with the General Plan and proximity to other multifamily developments. There currently are no other planned or zoned multi-family developments within a 3-mile radius of the site. The area to the north is planned for employment related development as part of the Chandler Airpark. The area to the south and east is planned for low density residential as part of Southeast Chandler. The nearest apartment complexes are located to the west within the Ocotillo area. This proposed project should accommodate the demand for multi-family housing in the area.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 16, 2003. Staff has received one telephone call from a property owner requesting information on this application.

Upon finding the request to be consistent with the General Plan, Airpark Area Plan and Section 13 Area Plan, the Planning Commission and Staff recommend approval subject to the conditions listed in the ordinance.

9. ANNEXATION: Lindsay/Chandler Heights Roads Ord. #3505

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3505 annexing approximately 70 acres of property located at the SEC of Lindsay and Chandler Heights Roads. (Applicant: Robert Gawley, Brown Family Communities; Owner: Stanley and Nancy Chen.) This annexation incorporates into the City all property required for a proposed single-family residential subdivision and is zoned R1-10 (Single Family Residential) in the County. The City's General Plan Land Use Element designates this property as part of the Southeast Chandler Plan for low density residential. The property is neither within an airport noise contour nor within a floodplain.

The property is currently farmed and is bordered on the west and southwest by farmland that is the approved location of the proposed Valencia II subdivision. Property to the south, southeast and east is large lot single-family residential. Northeast and north is farmland and the future location of the Chandler Groundwater Recharge Project. To the northwest is a dairy and related residences.

10. CODE AMENDMENT: Chapter 43 - Standard Specifications and Details Ord. #3506

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3506 amending Chapter 43, Section 43-5.1 of the Chandler City Code relating to the City of Chandler Standard Specifications and Details relating to pavement restoration details and pothole space for pavement restoration fee exemption.

As the City of Chandler continues to grow, various companies need to cut city streets to install underground services. These pavement cuts result in long term degradation of the pavement. This situation was documented in the January 19, 2001 Pavement Damage Study completed for the City by Ricker, Atkinson, McBee & Associates. Standard specifications and details are required to properly repair pavement cuts.

The Public Works Department recommends that Standard Detail No. C-110 be revised to eliminate the joint/cut sealant work around the edge of the cut/patch area because of the extended work period and additional traffic restrictions required. It is also recommended that Standard Detail No. C-111 and Specification No. 3, Subsection 2 be revised to require one-half-sack controlled low strength material (slurry) for trench backfill.

A recommendation that Specification No. 3 be revised to add a requirement for minimum pothole spacing for an exempt to pavement restoration fees is also proposed. Potholes/cuts less than two square feet (one foot by two feet) are required to verify utility location during design and prior to construction. This recommended specification would apply to multiple potholes in close proximity that have a combined effect of a larger street cut. This minimum spacing requirement for potholes is as follows and shown on the new Standard Detail No. C-111:

- 12.0 feet from edge-to-edge of pothole perpendicular to the roadway
- 25.0 feet from edge-to-edge of pothole parallel to a collector roadway
- 50.0 feet from edge-to-edge of pothole parallel to an arterial roadway

11. POWER EASEMENT: SRP

Ord. #3477

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3477 granting a no-cost power easement to Salt River Project (SRP) for relocation and maintenance of electrical facilities on the east side of Cooper Road extending south from Ocotillo Road to Alamosa Drive. As part of the development of Cooper Corners East Subdivision, certain roadway improvements are necessary. SRP is required to relocate its 69 kv power line facilities out of the existing roadway to the outside edge of the new right-of-way. This easement will accommodate this relocation and maintenance of these electrical facilities.

12. INTERGOVERNMENTAL AGREEMENT: Maricopa County Superior Court Res. #3688

ADOPTED Resolution No. 3688 authorizing the City to enter into an intergovernmental agreement with the Maricopa County Superior Court to participate in the Community Work Service Program sponsored by the Adult Probation Department.

The Solid Waste Division of Municipal Utilities will participate with the Maricopa County Adult Probation Department (MCAPD) in a Community Work Service Program. Participants in the program have been placed on probation by the Superior Court after having been sentenced for a criminal offense. They will be under the direct supervision of the MCAPD and will be performing duties including alley clean up on Saturdays and Sundays from 7:00 a.m. to 12:00 p.m. The solid Waste Division has been successfully working with this program for 11 months.

The Solid Waste Division will be paying the MCAPD \$3,600 annually for the work of all probationers assigned. The IGA is structured as an annual agreement with automatic renewals each year.

13. AMEND CITY FEE SCHEDULE: Pavement Restoration Fees

Res. #3692

PUBLIC WORKS DIRECTOR BRYAN PATTERSON advised the Council that there was an error in Sections 8.5.3.A(2) and 8.5.4.A(2) in addressing larger pavement cuts. The resolution presented in the packets reflects cuts over 10 square yards and should be cuts over 5 square yards.

ADOPTED Resolution No. 3692 amending the City Fee Schedule to revise pavement restoration fees and authorized Staff to refund or credit to applicant that have paid fees the difference between the existing and revised pavement restoration fees. In January 2002, the City Council passed an ordinance for the implementation of pavement restoration fees for cutting a street pavement six years old or less based on a study by Ricker, Atkinson, McBee and Associates in 2001.

A public process was conducted by City staff to coordinate with all public and private utility companies working in Chandler. A separate public process was completed with the same utility companies, the Arizona League of Cities and towns, numerous other municipalities and Representative Nelson of the Arizona State Legislature.

The current pavement restoration ordinance and fee structure includes the following features:

- A tiered fee structure based on pavement age and size of cut.
- A requirement to mill and overlay in addition to paying the fees for streets less than one year old.
- An option to reconstruct the street. This option is primarily for companies with license and franchise agreements that require street repair or reconstruction per City specifications for all street cuts; although the company may apply in writing to pay the fee as an exemption to street reconstruction.
- An option to mill and overlay the street in lieu of paying fees for streets older than one year.
- Limitations on pavement cuts on streets less than two years old.
- A requirement for construction signs to identify who is performing the work and why.
- An exception for cuts done in advance of construction that will reconstruct or renovate the pavement.
- A requirement that the fees be reviewed annually.

Since the inception of the pavement restoration fees, City staff has observed that the companies are pursuing other alternatives to installing underground utilities that involve cutting in newer streets. To date, only 11 street cut permits have been issued. This reaction by companies is reducing the number of pavement cuts in newer pavements, thus not requiring the acceleration of pavement maintenance or reconstruction.

In June 2003, the City entered into a contract with Ricker, Atkinson, McBee and Associates to review and update the pavement restoration fees using the same methodology as the January 2001 original study. A draft report was recently completed and a new fee structure is being proposed to reflect more recent costs for micro/slurry seal applications and mill and overlay work, as compared to costs used in the original January 2001 analysis.

The proposed fee structure includes a third tier of reduced fees for larger cuts and also reduces the size of cuts that are subject to the highest fee tier. The utility companies proposed this third tier of fees in June 2002. The effect of the reduced City costs and revised fee structure is to substantially lower the fee for all sizes of cuts.

Staff is also recommending that the City refund or credit the difference in fees to all applicants that have paid pavement restoration fees to date. The fees collected to date will be used for upcoming work by the City at the lower cost for the work, thus the refund or credit is appropriate. City staff has met with private utility companies to present the revised fees.

The new fees will become effective January 1, 2004 and will be used to pay costs associated with the accelerated maintenance on arterial and collector streets.

14. CALL OF ELECTION: March 9, 2004 and May 18, 2004

Res. #3694

ADOPTED Resolution No. 3694 designating March 9, 2004 as the date of the Primary Election and May 18, 2004 as the date of the General Election. The elections will be held for the purpose of electing a Mayor and three Councilmembers. The last day to register to vote is February 9, 2004 to be eligible to vote in the March 9, 2004 Primary Election and April 19, 2004 to be eligible to vote in the May 18, 2004 General Election. Candidates may file nomination papers and other materials beginning November 10, 2003 and no later than 5:00 p.m. on December 10, 2003.

15. EXTENDED TIMING CONDITION/ZONING: Calabria

EXTENDED the timing condition for an additional two years on the existing Planned Area Development (DVR03-0029), Calabria, for a 47-lot single-family subdivision on approximately 30 acres at the SEC of Cooper Road and Brooks Farm Road. (Applicant: Phillip Ryan; Owner: Chris Huck, Kachina Tree Farms LLC.)

The property is a palm tree farm bordered on the north by the North Barrington subdivision currently under construction, on the northwest, west and southwest by Symphony II subdivision also under construction, on the south by a farm house and narrow farm field, further south by the Creekwood Ranch subdivision, east and south and southeast by Countryside Estates subdivision under construction and to the northeast by a large lot single-family residence.

The 30-acre property was granted initial city zoning of Planned Area Development with Preliminary Development Plan approval for the subdivision layout on October 10, 2002. The rezoning did not include the standard condition for construction above foundation walls within two years of the effective date of the ordinance granting the rezoning. As specified in Section 35-2603 (B) of the City Code, if no time limit is specified, Conditional Zoning as follows applies:

- B. Where a rezoning ordinance amending this code contains conditions which must be met by this applicant and no time limit was specified, the applicant shall comply with the conditions within a period of one (1) year from the effective date of the ordinance or said ordinance shall not become effective.

The developer requests a two-year extension to the timing condition so the property's existing zoning may remain in effect. This application does not seek to modify the subdivision plat or housing standards. With approval of the time extension, all other conditions in the original approval will remain in effect.

16. PRELIMINARY DEVELOPMENT PLAN: Crossroads Towne Center

APPROVED a Preliminary Development Plan (PDP03-0033) Crossroads Towne Center, for a comprehensive sign package for a regional commercial center on approximately 82 acres located at the NWC of Gilbert and Germann Roads. (Applicant: Ralph Pew, Pew & Lake PLC; Developer: Vestar.) The Commercial property was granted rezoning for a regional commercial center including large single use retail with Preliminary Development Plan (PDP) including a comprehensive sign package for building signs, tenant monument signs and freeway monument signs. The Planning Commission recommended the sign package be reviewed through a separate PDP application due to concerns with the proposed freeway monument sign designs and the desire to review the complicated and very large sign package independently from the sites' major rezoning application. The Commission requested the freeway monument signs be designed in a manner that was different than typical heights and designs of freeway monument signs associated with other regional commercial centers.

The proposed development is the last opportunity for another regional commercial center in Chandler anchoring the east side of the City. The area surrounding the Chandler Municipal Airport is the last large area available to Chandler for a commercial development as significant as I-10 and Ray Road and the Loop 101 and Chandler Boulevard. The site proposed for a commercial center is recognized as an important economic generator for the community. The center will provide services to residents in east Chandler, long-term sales tax revenue, and create a gateway to the City of Chandler.

Staff is of the opinion that the comprehensive sign package is consistent with the design guidelines established for Chandler and implemented on similar developments. The proposed sign height, architecture and sign panel areas throughout the project are identical to the signs approved for Crossroads Towne Center in the Town of Gilbert; however, Gilbert's project has more multi-tenant monument signs and no pad monument signs.

Upon finding consistency with the General Plan and PAD zoning, the Planning Commission and Staff recommend approval contingent on the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Crossroads Towne Center PDP Sign Submittal Comprehensive Sign Plan", kept on file in the City of Chandler Planning Services Division, in File No. PDP03-0033, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3470, case DVR02-0045 Crossroads Towne Center, except as modified in condition herein.
3. Freeway monument sign panels are limited to single panels and no subdividing of panels is permitted.
4. The applicant shall work with Staff to incorporate stone, masonry, or other materials on monument sign bases to relate more to the development and enhance monument signs along the sites' perimeter.
5. The applicant shall review monument signs to enhance small businesses in this project to have space on the monument signs.

17. AGREEMENT EXTENSION: Cactus Towing

EXTENDED an agreement with Cactus Towing for a period of one year for Police towing services. The original contract was awarded in November 2001 for a one-year term with provisions to extend for four additional one-year periods. This is the second extension with no price increase. The vehicle owner will be responsible for payment of all fees except those vehicles towed for evidentiary purposes which will be paid by the City.

18. STATEMENT OF UNDERSTANDING: Western International University

AUTHORIZED a Statement of Understanding with Western International University (WIU) for use of classroom 106 to conduct desktop software training for City staff during the day and allowing WIU to use the City owned equipment in the evenings. The original contract was signed in January 2002 and will expire December 31, 2003. Staff recommends continuance for an additional year through December 31, 2004.

The City will continue to be responsible for costs associated with preparation of the room for computer usage, required equipment, maintenance for all City supplied hardware and two lockable cabinets to secure removable hard drives when not in use. WIU will continue to be responsible for providing a connection into their network and for all operating maintenance costs.

19. SETTLEMENT: City of Chandler v. Jack In The Box, Inc.

APPROVED the settlement between the City of Chandler and Jack In The Box, Inc. and authorized the Mayor to execute the Settlement Agreement. The City initiated litigation to condemn the Jack In The Box restaurant August 28, 2003 permitting them to build a new restaurant in the downtown area that would blend in with the mixed-use development plan for the

area. Based on that tentative settlement, through Order dated September 23, 2003, the Court placed the matter on the inactive calendar for dismissal, without prejudice, until April 1, 2004. Staff has since negotiated a final settlement consistent with the terms of the tentative settlement previously approved.

The basic terms of the Settlement Agreement are summarized as follows:

1. The City will exchange vacant property that it owns for the property on which the Jack In The Box restaurant is located subject to the following contingencies:
 - (a) A plat is recorded for the residential units to be constructed by Benton-Robb on City property east of Washington Street;
 - (b) Council approves a preliminary development plan (PDP) for a drive-thru restaurant on the vacant property to be exchanged (Jack In The Box is to submit the PDP within 120 days of recordation of the plat referenced above); and
 - (c) There are no environmental or title issues relating to the property to be exchanged that cannot be worked out.
2. To compensate Jack In The Box for the value of its existing restaurant, the City will contribute \$500,000.00 towards the construction of a new restaurant on the vacant property to be exchanged with \$250,000.00 being paid upon transfer of title to the properties and the remaining \$250,000.00 being paid when all exterior walls for the new restaurant are completed.
3. The stated goal of the parties is to get the PDP to the City's Planning and Zoning Commission within 90 days of original submittal and to Council within 120 days of original submittal.
4. If Council approves the PDP, Jack In The Box is to initiate construction within 100 days of such approval and complete the construction within 240 days of initiating construction.
5. Jack In The Box is entitled to continue operation from its existing restaurant during the period in which it is constructing its new restaurant.
6. If a PDP acceptable to Jack In The Box is not approved by Council, the parties may seek to reopen the litigation. If a PDP acceptable to Jack In the Box is approved by Council, the parties will seek to dismiss the litigation with each party to bear their cost and fees.

20. CONSTRUCTION CONTRACT: Contractor's West / Diversified Utility Construction

RESCINDED a construction contract with Diversified Utility Construction, Inc. for Price Road streetlight improvements and deemed them not responsible and directed staff not to consider bids from Diversified Utility Construction, Inc., for a period of two years. AWARDED the contract to the next lowest bidder, Contractor's West, Inc., in an amount not to exceed \$132,311.25.

Diversified Utility Construction was awarded the contract on August 29, 2003 and picked up the contract documents on September 15, 2003. The signed document was not returned within the allotted 10-day time period rendering Diversified not responsible. It has also been discovered that Diversified Utility Construction's State Contractor's License was suspended on September 1,

2003. Purchasing was notified on October 23, 2003 by Diversified Utility Construction, Inc. in California that they have gone out of business in Arizona and would not honor the contract.

21. ARCHITECTURAL SERVICES CONTRACT AMENDMENT: BPLW Architects

APPROVED architectural services contract amendment No. 2 to BPLW Architects for the Information Technology Building Renovation and Expansion at 275 E. Buffalo Street, Project No. GG0202-201, in an amount not to exceed \$41,979.00. This amendment is to provide construction administration services including special inspections, shop drawing review, construction progress meetings between owner, architect and contractor, and additional design services necessary to blend the exterior building design with the current City campus architecture.

22. ENGINEERING SERVICES AGREEMENT: Tri-core Engineering

APPROVED an engineering services contract with Tri-Core Engineering for the design of water main replacements, Project No. WA0401-201, in an amount not to exceed \$400,796.00. This project will provide for the design of approximately nine miles of small diameter water main replacements in several residential neighborhoods due to undersizing or deterioration. Construction will be phased over three years with the first area planned being the area between Galveston Street and Oakland Street which has received the most citizen complaints of main breaks over the past year.

23. CONTRACT EXTENSION: Univar USA and Commercial Pool Repair

APPROVED a contract extension for solid chlorine tablets with Univar USA in an amount of \$298,377.00 and Commercial Pool Repair in an amount of \$65,638.00 for a total not to exceed \$364,015.00. Council approved a term contract for solid chlorine tablets in December 2001 for a period of one year with two one-year renewal options. This is the second extension with no price increases. Univar has requested that the pool chemical portion of this contract be reassigned to Commercial Pool Repair who has agreed to all terms of the contract. This reassignment is driven by the product manufacturer to provide expertise in pool treatment.

24. CONTRACT: Simon Sewer and Pipeline Video Inspection

APPROVED a contract with Simon Sewer and Pipeline Video Inspection for video inspection of sewer lines, utilizing the City of Peoria Contract, in an amount not to exceed \$160,000.00. This contract will allow video inspection of sewer lines to determine necessary repairs prior to street overlays. There is also a Maricopa Association of Governmental Standards requirement for videotaping of all new sanitary sewers. The contract was awarded for a one-year term with provisions to extend for two additional one-year periods.

25. PURCHASE: Spicer's

APPROVED the purchase of printing paper for printing various forms, reports, publications and other documents from Spicer's, utilizing the State of Arizona contract, in an amount not to exceed \$70,000.00. By using the State contract, the bidding costs are eliminated and better pricing is obtained due to the purchasing discounts the State obtains on their bids.

26. PURCHASE: Voss Lighting

APPROVED the purchase of lamps for Building and Facilities, Traffic Engineering, Parks and Fire from Voss Lighting, utilizing the State of Arizona contract, in an amount not to exceed \$65,000.00. The use of the State contract eliminates the cost of going out for bid, reduces the lead time in obtaining the products and results in a lower product cost due to the State's purchasing power.

27. PURCHASE: Waxie Sanitary Supply and Unisource Corporation

APPROVED the purchase of janitorial supplies from Waxie Sanitary Supply and Unisource Corporation, utilizing the State of Arizona contracts, in a combined amount not to exceed \$71,000.00. Waxie Sanitary Supply will provide such items as chemicals, hand soap, brooms, mops and other cleaning supplies. Unisource will provide paper janitorial supplies. These items are stocked in Central Supply and distributed upon request. By utilizing the State contract, it eliminates the bidding cost and obtains better pricing due to the purchasing discounts the State obtains on their bids.

28. PURCHASE: Mail-Well Envelope Co. and Westvaco Envelopes

APPROVED the purchase of envelopes from Mail-Well Envelope Co. and Westvaco Envelopes, utilizing the State of Arizona contract, in a combined amount not to exceed \$70,000.00. The envelopes are stocked in Central Supply and distributed upon request. By using the State contract, it eliminates the bidding costs and obtains better pricing due to the purchasing discounts the State obtains on their bids.

29. PURCHASE: Vision Business Products of Arizona

APPROVED the purchase of laser and ink jet printer cartridges from Vision Business Products of Arizona, utilizing the State of Arizona contract, in an amount not to exceed \$60,000.00. Toner cartridges are stocked in Central Supply and distributed upon request. By using the State contract, bidding costs are eliminated and better pricing obtained due to the purchasing discounts the State obtains on their bids.

30. PURCHASE: Water and Wastewater Treatment Chemicals and Swimming Pool Chemicals

APPROVED the purchase of various water treatment chemicals, wastewater treatment chemicals and swimming pool chemicals, utilizing the City of Tempe contract, in a total amount not to exceed \$2,165,715.18 from Rhodia, Chalum, Polydyne, Inc., DPC, Hill Brothers, Thatcher, Cal Pacific, Lucier Chemical and Mead Westvaco Corp. The City of Tempe contract began six years ago as a cooperative effort among several public entities that use water treatment chemicals. The contract was rebid by the City of Tempe as a one-year contract with options to extend for an additional five years. Several Arizona cities including Chandler, Gilbert, Glendale, Mesa, Peoria, Scottsdale, Tempe, Wilcox and Yuma, use this contract due to the savings generated.

31. USE PERMIT: 1505 North Alma School Road

APPROVED a Use Permit (UP03-0019) 1505 N. Alma School Road, to operate a professional office within a Mobile Home (MH-1) zoning district at the SEC of Alma School Road and Calle Del Norte. (Applicant: Debra A. Merritt.)

The property is a duplex constructed in 1972 with on-site parking provided by two spaces for the north unit and three spaces for the south unit. The property fronts onto Alma School Road with parking access from Calle Del Norte and the adjacent alley.

The applicant currently uses the north unit as a permanent residence and proposes to use the south unit as a professional realty office. Site traffic is minimal with the majority of the business being conducted via fax, phone or email with the clients meeting at respective properties. The applicant has agreed to upgrade the landscaping as well as improving the parking surface for the office.

The Residential Conversion Policy (RCP) is intended to allow residential properties fronting onto arterial roads the opportunity to convert to commercial land uses in response to safety and noise problems resulting from increased arterial road traffic volumes. Staff supports the proposed request finding compliance with the RCP eligibility criteria.

The request represents a compatible land use with the surrounding neighborhood. The north unit is the applicant's permanent residence and the proposed office use does not create, store or exchange goods of any type. The use generates very little on-site traffic and the site provides adequate parking. The home's exterior will not be modified and will maintain a single-family appearance.

This request was noticed according to the provisions of the City of Chandler Zoning Code and Staff has received no telephone calls or letters opposing the Use Permit.

Upon finding consistency with the General Plan and Residential Conversion Policy, the Planning Commission and Staff recommend approval of the Use Permit contingent on the following conditions:

1. Any expansion or modification beyond the approved Site Plan shall void the Use Permit and require a new Use Permit application.
2. The designated office parking shall be improved with decorative pavers, concrete or asphalt.
3. The number of employees occupying the residential conversion shall not exceed two (2).
4. The landscaping shall be improved per the Site Plan.
5. The parking shall be screened from Alma School Road by the use of items such as, but not limited to, parking screen walls, berming, and or additional landscaping/shrubs. Details to be worked out with Staff.
6. The Use Permit shall be effective for a period of one (1) year from the date of Council approval. Operation of the business beyond the date shall require re-application and approval of a new Use Permit.
7. Future building and monument signage shall require separate Use Permit approval.

32. USE PERMIT: L.A. Chemical Company, L.L.C.

APPROVED a Use Permit (UP03-0041) L.A. Chemical Company, L.L.C., for chemical bulk storage and distribution in a General Industrial (I-2) zoning district at 6750 West Boston Street, Building B. (Applicant: John Yates, L.A. Chemical Company, L.L.C.; Owner: Ned McCall, Chandler Industrial Property, L.L.C.). The proposed site is located within the Williamsfield Business Park, a mixed-use industrial park predominately zoned General Industrial (I-2). Other businesses in the vicinity include Avnet, Complete Door Trim and South

Bay Circuits. The site is bounded by a mini-warehouse to the east, industrial to the south and north and the existing L.A. Chemical Company operations in Building A to the west.

L.A. Chemical distributes chemicals, including bulk products, from nine locations in the western United States and recently began operations in Chandler utilizing the former Great Western Chemical Company facilities. L.A. Chemical currently is in operation in Building A at 6750 West Boston Street. Use Permit approvals were granted in 1989 for bulk storage and distribution in Building A and the existing outdoor storage tanks when Great Western Chemical Company operated the site. Great Western Chemical Company built, but never occupied, Building B, which has been vacant for approximately two years. L.A. Chemical proposes to expand their existing warehouse operations into Building B.

The new chemical storage will be entirely within Building B and there are no building additions or additional outside storage tanks. The majority of material to be stored is non-regulated dry material, with some tote (a tank with a capacity of less than 600 gallons) storage. The largest storage tanks proposed inside Building B are 330-gallon intermediate bulk containers. Other interior storage tanks are 220 gallons.

The Chandler Fire Department maintains a hazardous Materials Inventory Statement for L.A. Chemical and has no objections to the request. The applicant is not proposing to store anything in Building B not already in Building A nor change the nature of the chemicals at their current location.

The request was noticed in accordance with the requirements of the Chandler Zoning Code and Staff has received no telephone calls or letters regarding this request.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval of this Use Permit contingent on the following conditions:

1. Compliance with the City of Chandler's Fire Department provisions with regard to the Hazardous Material Management Plan.
2. Development shall be in substantial conformance with all exhibits, except as modified by condition herein.
3. Any enlargement of the building or increase in the size or number of outdoor storage tanks shall require a new Use Permit.
4. There shall be no outdoor storage in conjunction with this Use Permit.
5. There shall be no processing in this building
6. Any change in the occupancy classification of this building from its current classification under the building code shall require a new Use Permit.
7. Any reportable spill or incident involving hazardous materials shall require a new Use Permit.

33. USE PERMIT: Holiday Inn at Ocotillo

APPROVED a Use Permit to sell liquor (Series 11 Hotel/Motel License) at a new hotel located at 1200 W. Ocotillo Road. (Applicant: North Face Investments, L.L.C., David R. Dabdoub.) The subject site is zoned Planned Area Development (PAD) Special Use and received Preliminary Development Plan (PDP) approved for a four-story Holiday Inn in April 2003. The request was noticed according to the provisions of the City of Chandler Zoning Code and Staff has received no telephone calls or letters from neighboring property owners opposed to this Use Permit. The Police reported no objection.

Upon finding consistency with the General Plan, the Planning Commission and staff recommend approval of the Use Permit contingent on the following conditions:

1. The Use Permit is for a Series 11 license only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

34. LIQUOR LICENSE: Holiday Inn at Ocotillo

APPROVED a Series 11 Hotel/Motel Liquor License (Chandler #300000604) for David Rodolfo Dabdoub, Agent, North Face Investments LLC dba Holiday Inn at Ocotillo at 1200 W. Ocotillo Road. Recommendation for approval of State Liquor License #11073102 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

35. LIQUOR LICENSE: JMX Clubhouse Grill

APPROVED a Series 12 Restaurant Liquor License (Chandler #30000603) for James E. Adams, Agent, Platinum Portfolio Enterprises LLC, dba JMX Clubhouse Grill, at 7450 W. Chandler Boulevard. Recommendation for approval of State Liquor License #12075635 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. A new Use Permit is not required as this will be a continuation of the location's previous use as Damon's Clubhouse The Place For Ribs.

36. LIQUOR LICENSE: Texaco Star Mart #775

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #300000610) for Rodney S. Herbert, Agent, Reay's Ranch Investors LLC, dba Texaco Star Mart #775 at 1981 N. Alma School Road. Recommendation for approval of State Liquor License #10074640 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. This application reflects a change in ownership; however, a new Use Permit is not required since this will be a continuation of the location's previous use as Texaco Star Mart.

37. LIQUOR LICENSE: Texaco Star Mart #768

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #300000612) for Rodney S. Herbert, Agent, Reay's Ranch Investors LLC, dba Texaco Star Mart #768 at 1010 E. Chandler Boulevard. Recommendation for approval of State Liquor License #10074645 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. This application reflects a change in ownership; however, a new Use Permit is not required since this will be a continuation of the location's previous use as Texaco Star Mart.

38. CONTINUED LIQUOR LICENSE: Mi Amigo's Foodmart

CONTINUED to December 18, 2003 an application for a Series 10 Beer and Wine Store Liquor License for Arutiun Harry Kirakosian, A Amigo Foodmart Inc., dba Mi Amigo's Foodmart at 500 E. Chandler Boulevard, to allow the applicant time to complete the requirements for a new Use Permit.

39. CONTINUED LIQUOR LICENSE: Sam's Smoke 'N' Stuff

CONTINUED to November 20, 2003 an application for a Series 10 Beer and Wine Store Liquor License for Oula Dawud Hawash, Agent, Sam's Smoke 'N' Stuff at 411 S. Arizona Avenue, Suite #2, to allow the applicant time to complete the requirements for a new Use Permit.

40. SPECIAL EVENT LIQUOR LICENSE: Chandler Compadres, Inc.

APPROVED a Special Event Liquor License for the Chandler Compadres, Inc. for Crystal Palace Night, a fundraiser for Chandler youth, on Saturday, November 15, 2003, at 2500 W. Frye Road. The Police Department reports no objections to the issuance of this license. As the applicant is a non-profit organization, no sales tax license is required but a special event liquor fee has been paid.

41. FINAL PLAT: Santan Technology Park

APPROVED a Final Plat (FPT02-004) Santan Technology Park, for an industrial subdivision on a 25-acre parcel with 13 industrial lots at the SEC of 56th Street and Frye Road. (Applicant: Holt Avenue, L.L.C.) The plat creates the lots, tracts and necessary easements and dedicates the required rights-of-way.

42. MAP OF DEDICATION: Layton Lakes Phase I Chandler

APPROVED a Map of Dedication (FPT03-0021) Layton Lakes Phase I Chandler, on 14.4 gross acres on Queen Creek Road between Gilbert and Lindsay Roads. (Applicant: LH-EH Layton Lakes, L.L.C.) dedicating portions of Gilbert and Queen Creek Roads within Phase I of the Layton Lakes Master Planned development. The majority of Phase I occurs within the Town of Gilbert, however, the right-of-way improvements will occur prior to the development of the Phases within Chandler.

43. On Action Agenda

44. AMENDED & RESTATED DEVELOPMENT AND DISPOSITION AGR:
Benton-Robb Res. # 3696

ADOPTED Resolution No. 3696 authorizing an Amended and Restated Development and Disposition Agreement between the City of Chandler and Benton-Robb Development Associates, L.L.P. for a Mixed Use Development in downtown.

The City Council previously approved a Development and Disposition Agreement with Benton-Robb Development Associates, L.L.P. and also approved a First Amendment to said Development and Dispositions Agreement. On August 27, 2003, the City Council approved a tentative Settlement Agreement with Jack In The Box, Inc. which necessitated major changes to the City's agreement with Benton-Robb Development Associates, L.L.P. The major obligations of the parties under the Amended and Restated Development and Disposition Agreement are as follows:

1. Benton-Robb Development Associates, L.L.P. is required to build a mixed-use development with two residential phases and two commercial phases. Residential Phase I shall contain approximately 54 "for sale" townhouse units, together with appurtenant common areas and amenities. Residential Phase II will contain either "for sale" townhouse units or "for sale" condominium units. The Commercial Phases will contain commercial offices and/or retail uses.
2. Benton-Robb Development Associates, L.L.P. will complete the demolition of all vacant buildings on the site on or before December 15, 2003. The City shall advance to Benton-Robb Development Associates, L.L.P. \$186,540.00 so that they can expedite their obligation to demolish the vacant buildings on the site.
3. The City is required to transfer properties on the site to Benton-Robb Development Associates, L.L.P. in phases as they become ready for development.
4. Benton-Robb Development Associates, L.L.P. is required to contribute \$561,000.00 to the purchase of the properties and reimburse the City an additional \$186,540.00 in proportionate amounts as they acquire the property from the City.
5. Benton-Robb Development Associates, L.L.P. will attempt to acquire the property at the southeast corner of Arizona Avenue and Chandler Boulevard using monies remaining in the City's land acquisition cap. Benton-Robb Development Associates, L.L.P. may elect to exceed the land acquisition cap at their costs and at their discretion.

45. SPECIAL EVENT LIQUOR LICENSE: Juvenile Diabetes Research Foundation

APPROVED a Special Event Liquor License for the Juvenile Diabetes Research Foundation for a Media/VIP Fundraiser on November 13, 2003, at the grand opening of The Keg Steakhouse and Bar located at 3065 W. Chandler Boulevard. The Police Department reports no objections to the issuance of this license. As the applicant is a non-profit organization, no sales tax license is required but a special event liquor fee has been paid.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER CACCAMO, to approve the Consent Agenda with the changes to the fee schedule (Item #13) as presented by Public Works Director BRYAN PATTERSON. The motion carried unanimously 7-0.

ACTION AGENDA:

43. SUBLEASE AGREEMENT: City of Phoenix Radio Communications Ord. #3499

CITY ATTORNEY DENNIS O'NEILL explained that this item is on the action agenda because of the adoption with an emergency which is to ensure that there is emergency radio coverage. We

have full agreement with the Gila River Indian Community in all aspects of the agreement. MAYOR DUNN expressed his appreciation for the continuing cooperation with the Gila River Community.

The City of Chandler leases approximately 90 acres of land near the junction of Maricopa Road and Interstate 10 for the Lone Butte Wastewater Treatment facility. A joint agreement by and between the Gila River Indian Community as Lessor, City of Chandler as Lessee and the City of Phoenix, the sublease will allow the City of Phoenix 75-square feet of space inside the Wastewater Treatment Plant premises that accommodates the antenna tower. It is critical that communications for the City of Phoenix and the Gila River Indian Community be located on the subleased premises to ensure uninterrupted police and fire communications.

Staff recommends this ordinance be adopted with an emergency to allow for the timely acceptance and execution of the sublease agreement. The Gila River Indian Community has agreed to forgo rental payment by the City of Phoenix in exchange for the execution of Intergovernmental Agreement #101007 dated August 23, 2003.

A MOTION WAS MADE BY COUNCILMEMBER WALLACE to ADOPT Ordinance No. 3499, by emergency, authorizing and approving a sublease agreement of a 75-square foot area to the City of Phoenix for radio communications and antenna tower at the City of Chandler-leased Lone Butte Wastewater Treatment Plan located three miles west of Maricopa Road and Interstate 10. The motion was SECONDED BY COUNCILMEMBER CACCAMO. The motion carried unanimously 7-0.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that a partnership of East Valley communities and organizations will hold a Needs Assessment Summit on November 14, 2003, to present results of numerous community meetings, focus groups and discussions to determine the human and social needs of residents. The study will be presented at the Building Blocks for the Future Summit at 8:00 on Friday, November 14, 2003, at the Sheraton Phoenix East Hotel, 200 N. Centennial Way, Mesa.

THE MAYOR also announced that the opening of the first section of the Santan Freeway. ADOT and the City of Chandler will dedicate the first five-mile section of the Loop 202 Santan Freeway during Sunrise on the Santan, Saturday, November 15, 2003, 8:00 a.m. to noon. He invited everyone to attend.

THE MAYOR reminded everyone to reflect on those who have served or are serving in the Armed Forces on Veteran's Day, Tuesday, November 11.

B. Councilmembers' Announcements:

There were no Councilmembers' Announcements at this time.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 7:40 p.m.

ATTEST: _____
City Clerk MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 6th day of November, 2003. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of _____, 2003.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, November 20, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

Also in attendance:

Pat McDermott	Acting City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Dave McDowell, Garrett Newland, Chief Roxburgh, Patricia Walker, Dave Siegel, Doug Ballard, Acting Chief Neuman, Bryan Patterson

INVOCATION: The invocation was given by Reverend Richard Sisco – Koinonia Mennonite Church

PLEDGE OF ALLEGIANCE: Councilmember Wallace led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Chandler Gilbert Community College Presentation

MAYOR DUNN introduced Chandler Gilbert Community College President MARIA HESSE who made a presentation to the Council updating them on the activities at the college. It was founded in 1986 and is one of 10 Maricopa colleges serving the greater metropolitan Phoenix and Maricopa County area. The major areas of focus include university transfer, general education programs, pre-college courses, workforce development or occupational education, continuing education, corporate training, and support of various community events relating to on-going personal and professional learning experiences.

The college offers a wide variety of information technology courses including MicroSoft, Sisco, and Oracle programs. Aviation is also another signature program offered by Chandler Gilbert. The electric utility technology program is supported by APS. Intel funds the automated manufacturing systems program. One of the newer programs, Crime and Intelligence analysis, just graduated its first class. Local law enforcement agencies requested that this class be offered.

They are the only community college in Maricopa County offering dormitories, apartments, duplexes and single-family residences at their 60-acre site at the former Williams Air Force Base.

The website has been revamped allowing students to register on-line, send transcripts to another college, apply for financial aide and access any of the activities offered by the college. Enrollment last year exceeded 12,000 and is expected to double within the next 8-10 years.

Future programs being considered are nursing assistant, RN associate degree, dental assistant and dental hygiene, light industrial technology, retail management certification and homeland security.

Additional campus facilities being considered are a high tech center, more classrooms, a second phase to the student center and a gymnasium with full athletic facilities.

Ms. Hesse invited Council and citizens to attend an event on Thursday, December 11, at 6:30 p.m. for Maricopa County elected officials to receive comments/input regarding community needs in relation to the community colleges.

COUNCILMEMBER WALLACE commended Ms. Hesse on her presentation and commented on the willingness of faculty and staff to try to accommodate requests and suggestions of communities.

MAYOR DUNN expressed appreciation to Ms. Hesse for their community presence.

2. Service Recognitions

Mayor Dunn was joined by Chief Neuman and Chief Roxburgh in recognizing Battalion Chief DAN COUCH for 30 years of service with the City. Dan began with the City in 1974 as a street laborer, transferred to the water department as a laborer advancing to maintenance worker and then to meter reader. He also became a volunteer firefighter and was hired as a full time firefighter in 1977. While with the Fire Department, Dan became a paramedic, was promoted to Captain and finally to his current position as Battalion Chief. He has received numerous awards during his career including the Fire Department's Medal of Merit and the Firefighter of the Year in 1998.

LORETTA COUCH was also recognized for 10 years of service as a dispatcher with the Police Department. Because of her positive attitude and patience, Loretta is one of the most highly requested trainers. She is also a member of the department's Critical Incident Stress Management Team where she is frequently called on to assist with defusing and debriefings to help employees cope with traumatic incidents. Loretta has been awarded the "Dispatcher of the Year" award and continues to provide the best possible service to all.

The Mayor was assisted by Acting City Manager Pat McDermott in honoring Management Services Director PAT WALKER for 20 years of service. Ms. Walker began her career with the City as an accountant and moved up to the position of Management Services Director. Her contributions to the organization include assisting the City in receiving 19 bond upgrades and receiving a AAA bond rating. The City has also received the Distinguished Budget Presentation Award for 16 consecutive years and the Certificate of Achievement for Excellence in Financial Reporting for 21 consecutive years under the management of Ms. Walker. Other achievements include bond elections, implementation of the City's first financial/payroll system, upgrade to the Oracle system, development of agreements for Intel, Westcor/Chandler Fashion Center and national accreditation for the Purchasing Department.

Assistant Community Services Director Dave McDowell assisted Mayor Dunn in recognizing MARY LOU ZAVALA on her 10 years with the City. She began as a temporary employee with the City in 1989 and was hired as a full time employee in 1993 in the library as a library assistant. She has also served on various City committees.

3. Adopt-A-Park Annual Awards Recognition

MAYOR DUNN gave a brief background on The Chandler Adopt-A-Park Program that originated in June of 1990. Tonight's presentation is to recognize those groups who have adopted parks in 2002, volunteered 207 hours and visited the park at least three times.

The Mayor presented COUNCILMEMBER BOB CACCAMO the award for the Chandler Kiwanis Club for adopting Pecos Ranch Park and volunteering a total of 29 hours.

The Mayor introduced FRAN JONES-LORY who accepted the award for the Weeblos II, Pack 285 for adopting Arrowhead Meadows Park and volunteering 18 hours.

THE SCHRODER FAMILY was also recognized for adopting Harter Park and volunteering a total of 4 hours. JULIA SCROEDER accepted for the family.

ALBERT PERRY, representing the Knights of Columbus, accepted their award for volunteering 114 hours at Navarrete Park. MAYOR DUNN announced that The Knights of Columbus have also won the Group of the Year Award and will have their name placed on the floating plaque that will be displayed in the Chandler Community Center.

The Rising Stars Girl Scouts Neighborhood and Boy Scout Troop 285 also participated by volunteering 27 hours and 15 hours respectively, but visited the parks less than three times.

4. Chandler Fire Department – Everyday Hero Awards

THE MAYOR was joined by Fire Chief JIM ROXBURGH and Fire Battalion Chief DAN COUCH in recognizing Fischel Construction Company employees Mike Lee, Casey Brown and Reberto Arviza for assisting a citizen who was stuck in the mud in a drainage ditch where he was pulling weeds. They helped him from the ditch and into his house. If not for their efforts, the gentlemen would have been subjected to temperatures of over 100° and suffered severe injuries. Messrs. Lee, Brown and Arviza were presented with the Everyday Hero Awards.

MR. COUCH next introduced MATT CROOK who assisted a driver out of her burning car. She was involved in an accident and ran over a signpost that punctured her gas tank and could not get out of her vehicle. Mr. Crook heard the crash and vaulted over his back wall to see if he could help. The driver was trying to get out of the vehicle on the passenger side. Mr. Crook pulled her from the vehicle possibly saving her life. Mr. Crook was also presented with the Everyday Hero Award.

5. Tony Dibonito – Gas and its Effects on People

Mr. Dibonito was not present.

UNSCHEDULED PUBLIC APPEARANCES:

There were no unscheduled public appearances.

CONSENT:

MAYOR DUNN commented on agenda item #10, Introduction of Ordinance 3498, related to the adoption of the Stage IV Drought Plan. He thanked Staff for drafting a good ordinance and making sure the City is prepared if necessary.

THE MAYOR also mentioned agenda item #26, regarding the significant addition to the Tumbleweed Regional Park and agenda item #32 for the trade-in purchase of upgraded Tasers for the Chandler Police Department.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER CACCAMO, to approve the Consent Agenda as presented. Motion carried unanimously 7-0.

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Special Meetings of November 3 and November 7, 2003 and the Regular Meeting of November 6, 2003.

2. POWER EASEMENT: SRP Ord. #3477

ADOPTED Ordinance No. 3477 granting a no cost power easement to Salt River Project for relocation and maintenance of electrical facilities on the east side of Cooper Road, extending south from Ocotillo Road to Alamosa Drive.

3. USE AMENDMENT / PRELIMINARY DEV PLAN: Cobblestone Square Ord. #3501

ADOPTED Ordinance No. 3501 (DVR03-0027) Cobblestone Square, modifying the allowed uses from a physical therapy office to retail on approximately 7 acres located at the SEC of Ray and McQueen Roads.

4. LEASE AMENDMENT: Hangars Unlimited, Inc. Ord. #3502

ADOPTED Ordinance No. 3502 authorizing the City to extend an existing lease agreement by four months with Hangars Unlimited, Inc. for full completion of three phases of new hangar construction and for exercising options on additional land parcels.

5. REZONING / PRELIMINARY DEV PLAN: Santana Ridge Apartments Ord. #3504

ADOPTED Ordinance No. 3504 (DVR03-0026) Santana Ridge Apartments, rezoning from AG-1 to PAD Multi-family for an apartment complex on approximately 15 acres located south of the SWC of Gilbert and Queen Creek Roads.

6. ANNEXATION: Lindsay/Chandler Heights Roads Ord. #3505

ADOPTED Ordinance No. 3505 annexing approximately 70 acres of property located at the SEC of Lindsay and Chandler Heights Roads.

7. CODE AMENDMENT: Chapter 43 – Standard Specifications and Details Ord. #3506

ADOPTED Ordinance No. 3506 amending Chapter 43, §43-5.1 of the City Code relating to the City's Standard Specifications and Details relating to pavement restoration details and pothole spacing for pavement restoration fee exemption.

8. UTILITY EASEMENT: APS Ord. #3508

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3508 granting a no cost utility easement to Arizona Public Service Company for the purpose of installing and maintaining electrical facilities for Fire Station Number 8 located at 811 W. Frye Road and authorizing the Mayor to execute all necessary documents.

9. POWER EASEMENT: SRP Ord. #3458

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3458 granting a no cost power easement to Salt River Project for relocation and maintenance of electrical facilities on the north side of Riggs Road, south of the Shadow Ridge Subdivision, east of Lindsay Road and authorize the Mayor to execute all necessary documents. Salt River Project is required to relocate its 69kv power line facilities out of the existing roadway to the outside edge of the new right-of-way.

10. CITY CODE AMENDMENT: Chapter 52 - Water Use Regulations Ord. #3498

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3498 amending Chapter 52 of the City Code authorizing the City Council to declare a stage four drought and implement certain water use regulations upon such declaration and providing penalties for violation. Chandler currently has sufficient water and in the foreseeable future due to the proactive approach taken to develop, secure and protect its diverse water supply. However, the City's capability to meet its demand during peak use in the summer months could be at risk during extreme water supply shortages.

Staff has developed a Drought Management Plan to guide the City during the most extreme water shortages and to ensure an adequate water supply is available to meet the basic needs to Chandler residents and businesses. The City Council must have the authority to make declarations of drought that trigger mandatory implementation of water use regulations and penalties upon such declaration.

The Drought Management Plan consists of four stages. During Stages One, Two and Three, water demands can continue to be met with available supply. Stage Four is declared when projected water supply cannot meet projected water demand during peak summer use. Mandatory water use regulations for all users of the City's potable water system would be implemented during Stage Four. The City of Chandler is currently experiencing Stage One.

11. ALLEY VACATION: Site 7 Ord. #3509

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3509 authorizing and approving the vacation of alleys located between Washington Street, Chandler Boulevard, Colorado Street and Buffalo Street and a portion of the alleys located within an area bounded by Arizona Avenue, Chandler Boulevard, Washington Street and Buffalo Street and authorizing the Mayor to execute the necessary documents.

The City of Chandler entered into a development agreement with Benton-Robb Development Associates, L.L.C., for property located within the boundaries of Arizona Avenue on the west,

Chandler Boulevard on the north, Colorado Street on the east and Buffalo Street on the south. The development agreement requires the City to vacate the alleys and streets within the project area prior to transferring the project property owned by the City to vacate the alleys and streets within the project area prior to transferring the project property owned by the City to the developer. Staff is requesting that the portion of the alleys described above be vacated at this time in preparation for transferring title of the project property to the developer.

12. ANNEXATION: Ocotillo Road and Consolidated Canal Ord. #3510

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3510 annexing approximately 30 acres of property located at the NWC of Ocotillo Road and the Consolidated Canal.

The owner of approximately 30 acres of land located at the northwest corner of Ocotillo Road and the Consolidated Canal has requested annexation. This annexation will incorporate all of the property required for a proposed industrial park into the City. The property is currently zoned R-43 (Rural Residential) in the County. The City's General Plan Use Element designates this property as part of the Airpark Area Plan for light industrial. The property's north portion lies within the 55 DNL noise contour. The property is not within a floodplain.

The property is currently vacant and is bordered on the north, west and south by farmland. The Consolidated Canal is to the east and beyond the canal is the City's landfill. Beyond the canal and across Ocotillo Road to the southeast is the Kerby Estates subdivision currently under construction.

13. REZONING / PRELIMINARY DEV PLAN: Rezzonico Dairy Ord. #3512

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3512 rezoning (DVR03-0010, PPT03-005) Rezzonico Dairy (Homestead Park), from AG-1 to PAD for an 83-lot single-family residential subdivision along with a Preliminary Development Plan on approximately 21 acres at the SWC of Germann and Alma School Roads. (Applicant: Pat Barker, Barton Homes.)

The property is currently zoned AG-1 and operates as the Rezzonico Dairy and is designated as Low Density (Single Family) Residential in the Chandler General Plan. The project is also in compliance with the Clemente Ranch Area Plan.

The subject property is currently being used as a dairy farm and is bounded on the north by Germann Road, on the south by Tarwater Elementary School, on the east by Clemente Ranch Parcel 20 and a vacant 5-acre parcel owned by a church zoned AG-1 and on the west by Dugan's Dairy.

Retention areas in the proposed development are designed as passive play areas throughout. The subdivision entrance is designed with a theme wall, ramada and subdivision identification signs. The project completes Gardner Drive from Tarwater Elementary to Germann.

The application proposes to limit corner lots along Gardner Drive to one-story units; however, corner lots off Gardner Drive would be permitted to have two-story units. A prohibition of same elevations adjacent to one another is proposed; however, the same elevation could be across the street with a different color scheme. No lots front onto Gardner Drive.

Deviations are requested from typical lot setbacks, lot coverage and lot size including 50% lot coverage on lots averaging 6,253 sq. ft. in size.

The Residential Development Standards require average lot size to be 7,500 sq. ft or greater in new development. The project is proposing similar sized lots found in adjacent subdivisions with a more diverse housing product. It is Staff's opinion that, although the subdivision has an average lot size of 6,253 sq. ft., the overall project with the diverse housing product merits approval.

This request includes PDP approval for the lot layout, entry feature, common areas, and housing product and meets 8 of 8 required subdivision diversity standards. It also meets 5 of 16 optional diversity elements and could meet an additional 3 by adding a diversity feature in cul-de-sacs, view fencing into retention basins, and a minimum 6' stagger in front yard setbacks. Compliance with a minimum of 10 optional diversity elements is required of new development.

The project meets 8 of 9 required architectural diversity standards for housing products by proposing a diverse product that does not match existing architecture but provides an alternative to stucco and red tile roofs and meets the 7 minimum optional architectural standards.

This request was noticed in accordance with the requirements for rezoning in the Chandler Zoning Code. A neighborhood meeting was held on June 24, 2003. Neighbors expressed concern with traffic passing the school and requested that the developer construct speed bumps to control traffic on Gardner Drive. City policy is to keep residential collector roads free of vertical obstructions. Traffic islands or chokers would be the appropriate method of calming traffic on Gardner Drive. Traffic calming should be reviewed under the PDP once final subdivision design is completed and the need is established. Staff has not received any calls or letters in opposition.

While the development requests a slightly higher density than surrounding subdivisions, it is the Planning Commission and Staff's opinion that the proposed development is equal to or better in design and quality. The subdivision layout is a compatible land use solution adjacent to existing subdivisions. To provide interior street circulation and access to Tarwater Elementary, the Planning Commission and Staff also recommend that Homestead Park provide a future street stub-out connecting to the Dugan Dairy parcel which will be rezoned and developed.

Upon finding consistency with the General Plan and the Clemente Ranch Area Plan, the Planning Commission and Staff recommend approval to rezone from AG-1 to PAD (residential) with PDP approval, subject to the conditions listed in the ordinance.

Upon finding consistency with the Subdivision Diversity Standards and the Clemente Ranch Area Plan, the Planning Commission and Staff recommend approval of the Preliminary Plat subject to the following stipulations:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.
2. Provide street stub-out on west property line to connect with future development on the Dugan Dairy parcel.

14. REZONING: Heriberto Family Residence

Ord. #3513

INTRODUCED AND TENTATIVELY APPROVED Ordinance No, 3513 rezoning (DVR03-0023) from Agricultural District (AG-1) to Single-Family District (SF-33) for a single-family residence on approximately .83 acres at 876 E. Willis Road. (Applicant: Roberto Reyes, Heriberto Reyes.) The subject site fronts onto Willis Road and is currently vacant. It is bordered on the north by the Ranchos De Chandler residential subdivision zoned SF-33 and on the west, east and south by

property zoned AG-1. This parcel is not compliant with current AG-1 zoning through lot splits in the County. The proposed SF-33 zoning will bring the property into conformance and provide building setbacks consistent with the surrounding properties. The proposed zoning also eliminates a non-conforming parcel and allows a home's construction sharing similar setback with surrounding properties. Typically, on-lot retention is no longer permitted in Chandler, however in this situation, it is supportable based on the site location, existing lot grade and surrounding development.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on September 24, 2003. Staff has received no phone calls or letters from residents opposing this proposal.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval subject to the conditions listed in the ordinance.

15. PROPERTY PURCHASE: Equestrian Trail Res. #3654

ADOPTED Resolution No. 3654 authorizing and approving the purchase of approximately 3.572 acres of property located south of the future Cloud Road approximately one quarter mile east of Lindsay Road for an equestrian trail/park at a total cost, including acquisition and closing costs, not to exceed \$224,000.00.

The Citrus Preserve Subdivision is located between Riggs and Cloud Roads east of Lindsay Road. This proposed park site located along the north boundary of the subdivision would create an equestrian trail while providing a linkage to the Val Vista-Riggs 100 acre park site to the east.

The developer has agreed to sell the property at fair market value for \$221,500 or approximately \$62,000 per acre. The trail is consistent with the southeast area plan as it relates to an equestrian trail network. The balance of the estimated project cost is \$2,500 for closing costs. A Phase I Environmental Assessment Study has been completed.

16. EXTENDED TIMING CONDITION / ZONING: QCH Industrial Park

EXTENDED the timing condition for an additional three years on the existing PAD zoning (DVR03-0022), QCH Industrial Park, for truss fabrication and lumber distribution facilities on approximately 36 acres located at the SWC of Queen Creek Road and the Hamilton Street alignment. (Applicant: Bart Thompson, Pagel, Davis and Hill P.C.; Owner: Queen Creek XXXV,LLC.)

The property is a farm field bordered by the Union Pacific Railroad to the west, a nursery with cell tower monopole to the south, and farm fields on all other sides including land across the railroad tracks. A portion of the property is within the 55 DNL airport noise contour and is largely within a flood zone. Mitigation of the floodplain and providing adequate areas for retention will be required.

The 36-acre property was originally rezoned to Planned Area Development for industrial uses on July 8, 2000 and included the following standard condition:

5. Construction shall commence above foundation walls within two (2) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule

for development or take legislative action to cause the property to revert to its former zoning classification.

The applicant requests an extension to allow the existing zoning to continue in effect but does not request modification to the site plan and building architecture. Upon approval, all other conditions in the original approval will remain in effect.

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Staff received one phone call from a neighbor who was not opposed.

Upon finding consistency with the General Plan and Chandler Airpark Area Plan, the Planning Commission and Staff recommend approval of the 3-year extension with all conditions in the original approval remaining in effect.

17. AGREEMENT EXTENSION: General Security Services

EXTENDED the contract with General Security Services Corporation for a period of one year for the home arrest program. The Home Arrest Program was established in 1995. Approximately 350 clients have been placed on home arrest at a cost to the client of \$14.00 per day which reflects a savings of \$45.00 per day of the current cost of housing a defendant in jail.

The original contract was awarded in December 2001 for a period of one year with three one-year optional extensions. This will be the third one-year extension. The vendor has agreed to extend the contract for one year with no changes to the current services. Costs are paid directly to the contractor by the defendant using the service. If the defendant is deemed indigent, the City will be responsible for the \$14.00 per day cost.

18. REIMBURSEMENT AGREEMENT: Continental Chandler, L.L.C.

APPROVED a reimbursement agreement with Continental Chandler LLC for improvements to Willis Road in excess of their offsite improvement obligation at a cost not to exceed \$176,311.00 with the City's contribution in an amount of \$43,711.00

Continental Chandler LLC has constructed San Tan Plaza on the west side of Arizona Avenue between Willis Road and the future alignment of the Santan Freeway. As a zoning stipulation, the developer was required to participate in the south-half improvements of Willis Road at a 50% contribution for the length of the project. In order to fulfill this requirement, the developer constructed the full width improvements to Willis Road, and an agreement was prepared providing that the developer be reimbursed for half of the cost of the improvements made to the south half of the road. This agreement is being brought forward at this time as final cost numbers are now available.

Improving the south half of Willis Road required the undergrounding of existing 12 kv power lines that ran along that side of the road. Salt River Project has provided the City with a cost of \$132,600.00 for completing this work through the City's Aesthetic Fund allocation. As part of the proposed agreement, this work has been completed by SRP through the Aesthetic Fund program, and the cost of the work represents a portion of the City's participation in improvements to the south half of the road.

The total cost for improving the south half of Willis Road, including undergrounding of the power lines, was \$352,622.00. Accordingly, under this agreement, the City's total responsibility is in an

amount not to exceed \$176,311.00. After subtracting the Aesthetic Funds allocated to the project, the maximum cash liability for the City is \$43,711.00.

19. DEACTIVATION AGREEMENT: Salt River Valley Water Users Association

APPROVED a Deactivation Agreement with Salt River Valley Water Users Association (Salt River Project) for the removal of a delivery structure located at the northwest corner of the intersection of Germann and Gilbert Roads to accommodate roadway improvements for the Vestar development project.

Vestar Partners is constructing a commercial center in the area of Germann and Gilbert Roads. In order to accommodate roadway improvements associated with this development, a Salt River Project irrigation delivery structure located at the northwest corner of the intersection must be deactivated.

Salt River Project will not allow permanent deactivation of a SRP irrigation facility without entering into a deactivation agreement with the City in which the facility is located. This agreement provides that, should the facility need to be replaced, the City will be responsible to pay the cost of the replacement. The City has determined that since the agricultural land currently being served is being developed, there will be no future need for irrigation water.

20. MEMORANDUM OF AGREEMENT: Stantec Consulting, Inc.

APPROVED a memorandum of agreement with Stantec Consulting, Inc. for pavement data collection service in an amount not to exceed \$78,500.00.

The Pavement Management System was established to develop data on street conditions and future maintenance needs. Existing condition data on street sections must be updated on a regular basis, approximately every three years, in order to keep accurate reports of the overall street system. This work will update the existing condition data for all street sections. This data includes ride quality, surface condition and collection of 13 pavement distress conditions for arterials, collectors and residential streets. This data, when used with the Pavement Management System, will determine when and which maintenance treatments are applied to City Streets.

21. NEIGHBORHOOD GRANT: Mission Manor at Ray Ranch

APPROVED a grant application from the Mission Manor at Ray Ranch neighborhood for funds to reface a common wall fronting Dobson Road in the amount of \$5,000.00. The application was reviewed by members of the Neighborhood Advisory Grant Review Committee and has met all requirements of the Neighborhood Matching Grants Program guidelines. The association has agreed to contribute \$10,000.00 to the project and has also volunteered their time to prepare the site (gravel removal and replacement).

22. CONSTRUCTION CONTRACT: MMC of Nevada, Inc. (FN) (Corp.)

APPROVED a construction contract with MMC of Nevada, Inc. (FN) (Corp.) for construction of the Ocotillo Water Reclamation Facility Improvements, Project No. WW0217-401, in an amount of \$3,675,000.00.

The Ocotillo Water Reclamation Facility is in need of upgraded odor control equipment to replace older existing equipment. The existing agreements between the City and the Gila River Indian Community require the delivery of treated effluent meeting A+ water quality standards.

This contract provides for the replacement of the headworks odor control scrubber system, structural rehabilitation of the pretreatment building roof, improvements to the existing disinfection facilities, and construction of a new pump station and reclaimed water transmission main. Construction is scheduled to begin in December 2003 with a contract time of 300 days. A separate contract will be issued to the design engineer for construction management.

23. ENGINEERING SERVICES CONTRACT: Damon S. Williams Associates, L.L.C.

APPROVED an engineering services contract with Damon S. Williams Associates, LLC for construction management of the Ocotillo Water Reclamation Facility improvements, Project No. WW0217-451, in an amount not to exceed \$364,200.00.

The Ocotillo Water Reclamation Facility is in need of upgraded odor control equipment to replace older existing equipment. In addition, existing agreements between the City and the Gila River Indian Community require the delivery of treated effluent meeting A+ water quality standards.

The construction contract for the improvements, being awarded to MMC of Nevada, Inc. (FN) (Corp.), includes the replacement of the headworks odor control scrubber system, structural rehabilitation of the pretreatment building roof, improvements to the disinfection facilities, and construction of a new pump station and reclaimed water transmission main. The contract provides for construction-related services including project administration, resident engineering services, field inspection and special services during construction. Construction is scheduled to begin in December 2003 with a contract time of 300 days.

24. CONSTRUCTION CONTRACT: G & G Construction Company

APPROVED a construction contract with G & G Construction Company for fire hydrant replacement, Phase II, Project No. WA0402-401, in an amount of \$511,875.00.

The City has identified a number of fire hydrants that need to be replaced. A three-year capital improvement program was developed and over 400 hydrants have been replaced in previous fiscal years. This contract is to replace the remaining 275 hydrants throughout the City completing the program.

25. ENGINEERING SERVICES CONTRACT: Carollo Engineers

APPROVED Amendment No. 4 with Carollo Engineers in the amount of \$101,487.00 for a supplemental arsenic pilot study as part of the Integrated Water, Wastewater & Reclaimed Water System Master Plans, Project No. WA0206-101, and accepted the report of staff approved Amendments No. 2 and 3 in the amount of \$35,546.00 for a new revised contract total of \$1,153,908.00.

In January 2001, the Environmental Protection Agency adopted regulations for arsenic in drinking water. The new regulation requires the City of Chandler to reduce arsenic concentrations in 14 drinking water wells by January 2006. Constructing wellhead treatment systems will reduce arsenic levels. In August 2002, Council awarded the Integrated Water, Wastewater and

Reclaimed Water Master Plans to Corollo Engineers. One component of the Water Master Plan is to develop Capital Improvement Plans for arsenic treatment.

Amendment No. 2

This amendment included the work and expenses related to an independent peer review and workshop with four experts on the draft Arsenic Study. City Staff requested this peer review workshop to critique the final draft of the Arsenic Mitigation Evaluation and to assist City Staff in evaluating cost effective arsenic treatment strategies. This amendment, for \$29,546.00 was administratively approved on August 19, 2003.

Amendment No. 3

This amendment included the purchase of additional software for wastewater modeling and facilitated a change from Hydra to MWH Soft's H2O Map Software. This amendment for \$6,000.00 was administratively approved on September 15, 2003.

Amendment No. 4

In August 2003, a Peer Review Workshop was held to critique the final draft of the Arsenic Mitigation Evaluation and to assist City Staff in evaluating cost effective arsenic treatment strategies. This contract amendment allows Carollo Engineers to make specific design recommendations, and refine anticipated costs for full-scale treatment systems for alternative treatment strategies identified during the peer review process. The proposed supplement to the Arsenic Pilot Study will determine the best treatment strategy by installing additional small-scale, or "pilot" treatment systems, at certain well sites. This amendment will increase the contract by \$101,487.00.

26. DESIGN-BUILD CONTRACT: Haydon Building Corporation

APPROVED a design-build contract with Haydon Building Corporation for the design and construction of Tumbleweed Park Pioneer Parkway and Hamilton Street, Project No. PR0305-410, in an amount not to exceed \$1,151,813.00.

Tumbleweed Park is a 189-acre park located on the southwest corner of Germann and McQueen Roads. To date, approximately 67 acres of this park have been developed. Existing amenities include the 15-court Chandler Tennis Center, sidewalks, ramadas, restroom, lighting, landscaping, internal roadways, and parking areas. This project will complete Pioneer Parkway and construct the east half of Hamilton Street from Germann to Pioneer Parkway. Also included in this project, is the construction of two parking lots adjacent to Pioneer Parkway. Currently there are 362 dedicated parking spaces within Tumbleweed Park. The construction of these two parking lots will add an additional 72 parking spaces. Substantial completion for this project is March 1, 2004.

27. CONTRACT REVISION AND EXTENSION: Viacom Outdoor, Inc.

APPROVED a contract revision and five-year extension of the bus shelter advertising agreement with Viacom Outdoor, Inc. through June 30, 2010.

In 1990, the City entered into a contract with Gannett Transit of Arizona to allow advertising at bus stops. Over the course of the contract, the company changed names and now operates under the name of Viacom Outdoor, Inc. The existing contract with Viacom Outdoor, Inc. expires June 30, 2005.

Over the past two years, several bus pullouts and concrete bus shelter pads have been constructed at various locations throughout the City. Staff has requested that Viacom install new shelters at these locations. To recover costs associated with installation of the additional shelters, Viacom has requested a five-year extension of the existing contract.

In exchange for the exclusive right to sell advertising space at bus stops located within the City right-of-way, Viacom installs, cleans and maintains the passenger shelters and returns a share of the advertising revenue to the City. All shelter advertising must conform to City standards set in the contract. These standards prohibit any material that relates to illegal activities, promotes alcohol and tobacco, or any advertisement that is deceptive, misleading, sexually explicit, vulgar and/or violent. A number of shelters do not have advertising kiosks because they are either located in a residential area, or the kiosk would obstruct sight distance at driveways.

Under the existing contract, Viacom cleans all shelters, including the shelters without advertising kiosks, owned by the City. The shelters are cleaned an average of 1.5 times per week and damaged shelters are typically repaired within 24 hours. The City has received no complaints regarding the condition of the bus shelters.

The proposed contract revision also provides for trash collection and cleaning of the shelters and plaza area at the new Chandler Fashion Center Transit Station, scheduled for completion in spring 2004. The proposed contract revision also stipulates that the City, not Viacom, is responsible for the repairs to any custom designed bus shelters installed by the City or a private developer.

This contract revision provides for installation of 37 additional shelters. Over the course of the five years, the contract will provide the City with approximately \$293,000.00 in advertising revenue. The contract revision increases the share of the advertising revenue returned to the City from 13% of the gross advertising sales to 16% in FY05-06 and 06-07 and then 17% for FY 07-08 through 9-10. Over the five-year term of the contract, the total advertising revenue of \$293,000.00 combined with the shelter installation and maintenance cost savings are estimated at \$1,190,000.00.

28. CONTRACT EXTENSION: Art Landscaping

EXTENDED the contract for city landscape maintenance service for one year with Art Landscaping, Inc. in the amount of \$428,064.00.

This contract covers the landscape maintenance for arterial street rights-of-way, medians and retention basins. It also includes ten new landscape areas that the City will assume responsibility for due to development that has occurred in the past year. Weekly trash pickup, weed control, irrigation repair, mowing and pruning/trimming will be performed as required.

The contractor has agreed to extend the contract for the first of three one-year extensions at current contract pricing including additional services.

29. CONTRACT: Jani-King of Phoenix

APPROVED a janitorial service contract with Jani-King of Phoenix for one year with an option of four one-year extensions in an amount not to exceed \$40,000.00. Services are currently being provided for the Water Treatment Plant, Airport Wastewater Reclamation Facility, Water

Distribution Building, Wastewater Collection Building, Reverse Osmosis Plant, and Water Maintenance Building and will be including the Building C (Municipal Utilities Administration).

30. PURCHASE: Corporate Express

APPROVED a contract with Corporate Express for furniture for the Water & Wastewater Administration Building C, utilizing the Maricopa Community College contract, in an amount not to exceed \$90,000.00. The Administration Building is part of the new City Yard on McQueen Road. This purchase is for furniture for 12 offices, 5 cubicles, a conference room, break room, reception/lobby area and outside patio area. Three offices will be furnished with existing furniture. Public Works staff will be occupying the offices vacated by Municipal Utilities and will be using the remaining existing furniture. The price for the new furniture includes delivery and installation. The price per unit includes a 49% discount from the published list price. Use of the cooperative contract eliminates the cost of going out to bid, reduces lead-time in obtaining the products and results in a lower overall cost.

31. PURCHASE: APL Access Control

APPROVED a sole source contract for the purchase of a security camera system from APL Access Control for the Police Headquarters Building in the amount not to exceed \$52,700.00. The current system was installed in 1998 when the Police Headquarters Building was constructed. Due to system downtime and antiquated recording equipment limitations, critical security recordings have not been captured. The current equipment cannot be integrated with City standard security equipment without additional costs. Police Staff wishes to consolidate and upgrade its security camera system to a single more secure, manageable and integrated system. APL is the only distributor certified to work on Threshold NT, the Microsoft based operating system.

32. PURCHASE: Taser International

APPROVED the sole source trade-in purchase of tasers and related equipment from Taser International in the amount of \$131,808.00. The City Council approved the purchase of 300 M26 tasers from Taser International in March 2003. This enabled the Chandler Police Department to outfit all first responders (patrol officers) with this additional less lethal option.

Taser International recently introduced a new and improved device, the X26 taser which is 60% smaller, is 11 ounces lighter and more durable than the M26 currently used by the Department. The X26 is equipped with an integrated low intensity LED light that improves safety and features an improved trigger mechanism. The Department recommends transitioning to the X26 because of its size, effectiveness and the improvements made over the M26. The X26 system includes an integrated laser sight, low-intensity lights, extended power magazine, dataport download capability and a dual retention exoskeleton holster.

Taser International is the only resource that will allow trade-in of existing equipment in the amount of \$121,785 and has agreed to accept all of the M26 tasers and related equipment currently used by the Chandler Police Department.

33. PURCHASE: Oracle corporation

APPROVED the purchase of Oracle database licensing and maintenance, utilizing the Arizona State Contract, from Oracle Corporation in an amount not to exceed \$179,000.00. Currently, the

City's mission critical systems, including Utility Billing, Sales Tax and Oracle Financials, reside on one computer system. To minimize losing all systems to a single outage, it is necessary to move Oracle Financials to an identical hardware platform. This will allow us to continue full operations in the event of a single outage. To accomplish this, Oracle requires Database licensing on the second computer system. The City will be able to operate and restore these critical systems on either platform. Additional results are improved performance, increased fault tolerance and flexibility to recover from system outages potentially saving the City time, money, lost data and efficiency. The Information Technology Department has the required computers and requires only the Database license. Use of the State contract eliminates the cost of going out for bid, reduces the lead time in obtaining the products and results in a lower product cost due to the State's purchasing power.

34. On Action Agenda

35. On Action Agenda

36. USE PERMIT: ADESA, Phoenix

APPROVED a Use Permit (UP03-0046) ADESA, Phoenix, to locate two modular buildings within an I-1 Zoning District at 400 N. Beck Avenue. (Applicant: BLS Construction, Inc., Bill Stroup.) ADESA is a wholesale auto auction facility bound by I-1 zoning districts on the east and south, Union Pacific Railroad to the west and single family residential to the north. The nearest residential property line lies approximately 1,000 feet to the north of the existing modular buildings.

The previous owner, Southwest Auto Action, was granted a Use Permit (Z86-131) for 35 acres of auto storage including an auction building, servicing area and approximately 20 acres of client parking. The Use Permit was amended (Z86-217) to ensure monitoring of the operation by the City with respect to compliance with conditions of approval or City codes. The site was expanded in 1988 (PL88-132) to include 7.9 acres on the northeast corner of Chandler Boulevard and Beck Avenue and further expanded in 1999 (99-0079) to include approximately 1.5 acres north of the northwest corner of McKerny Avenue and Chandler Boulevard.

When ADESA purchased the site, it included a main building, reconditioning building, auction bays, and four modular buildings. The modular buildings are located north of the main building and unnoticeable from Beck Avenue. Site visits conclude the facility and property are well maintained; however, the four modular buildings are not in conformance with all applicable codes. The modular buildings were installed without permits and have been a long-standing zoning violation. ADESA received notice of violation and submitted a Use Permit application.

The applicant is requesting removal of the four existing modular buildings and installation of one new modular building. Both modular buildings will be located on existing asphalt and will be brought into compliance with all applicable codes.

This request was noticed in accordance with the requirements of the Chandler Zoning Code and Staff has received no telephone calls or letters from neighboring tenants or property owners opposed to this Use Permit.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval of a Use Permit to locate two modular buildings within an I-1 zoning district subject to the following conditions:

1. Expansion or modification beyond Site Plan and Narrative shall void the Use Permit and require new Use Permit application and approval.
2. Three existing modular buildings shall be removed within 30 days from the date of City Council approval. Continuation beyond the expiration date shall require re-application to an approval by the City of Chandler.

37. USE PERMIT: Dogone Good

APPROVED a Use Permit (UP03-0048) Dogone Good, to provide indoor animal boarding services within a pet grooming and retail store at 1926 N. Arizona Avenue. (Applicant: Shelly Tesch.) This site is within a C-3 (Regional Commercial) zoning district and is part of an in-line shopping center including a bowling alley, thrift store, pawnshop and two restaurants. Arizona Machinery is directly adjacent to the shopping center to the west and Tempe Marine to the south.

Dogone Good currently offers pet grooming, pet daycare and retail pet supplies and wishes to expand to pet boarding. The pet daycare services allow customers to drop off their pets for monitored care during business hours. Pet boarding services will allow stays of 24 hours or more with monitored care. These services are offered to canines and felines and will not have any breeding facilities.

A Use Permit is required to ensure an establishment offering the care of animals does not have animals located within 500 feet of any residential property or 100 feet from any property line. Dogone Good is approximately 520 feet from the nearest residential property. Although the building is approximately 50 feet from the nearest property line, Staff supports the Use Permit due to all aspects of animal boarding occurring within the existing building as well as the non-residential uses that provide a buffer.

This request was noticed in accordance with the requirements of the Chandler Zoning Code. The applicant has met with adjacent tenants, explained the proposed use and has submitted signed letters in support of the request. Staff has received no telephone calls or letters from neighboring tenants or property owners opposed to this Use Permit.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval of the Use Permit to provide animal boarding services within a pet grooming and retail store subject to the following conditions:

1. Expansion or modification beyond the approved Site Plan, Floor Plan and Narrative shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to other store locations.
3. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.

38. USE PERMIT: Ironwood Clubhouse and Golf Course

APPROVED a Use Permit (UP03-0052) Ironwood Clubhouse & Golf Course, for a Series 12 Restaurant License at Ironwood Country Club as well as a Series 7 for the Ironwood Golf Club located at 550 W. Champagne Drive. (Applicant: George Atwell, Robson Communities, Inc.). Ironwood Country Club and Golf Course requests approval to open their sales to the general

public rather than limiting sales to members only. The change will not affect the use of the golf course and clubhouse other than permitting the sale of alcoholic beverages to the public.

This request was noticed in accordance with the requirements of the Chandler Zoning Code and Staff has received comments from a resident with concerns regarding possible impacts on adjacent residential property.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 12 license and a Series 7 license and any change in type of licenses shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Site Plan and Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. Sale of alcohol for off premise consumption is prohibited.

39. LIQUOR LICENSE: Ironwood Country Club

APPROVED a Series 12 Restaurant Liquor License (Chandler #300000614) for George Ira Atwell, Agent, Sun Lakes Homeowners Association No. 3, Inc. dba Ironwood Country Club at 550 W. Champagne Drive. Recommendation for approval of State Liquor License #12075658 will be forwarded to the State Liquor Department. The Sun Lakes Homeowners Association #3, Inc. currently operates Ironwood Country Club under a Series 14, Private Club Liquor License that includes both the golf course and clubhouse restaurant with allows the sale of alcoholic beverages to club members only. The operation of the golf course is being taken over by Sun Lakes Marketing Limited Partnership. The clubhouse restaurant will continue to be operated by the Homeowners Association. In order for this organization to serve alcoholic beverages to the public, a Series 12 Restaurant Liquor License is required. Sun Lakes Marketing Limited Partnership is also in the process of applying for a Series 7 Beer and Wine Bar Liquor License for the operation of the golf course. Upon approval of these new applications by the Arizona Department of Liquor Licenses and Control, the present Series 14 Liquor License will be surrendered.

The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

40. LIQUOR LICENSE: Ironwood Golf Club

APPROVED a Series 7 Beer and Wine Bar Liquor License (Chandler #300000615) for George Ira Atwell, Agent, Sun Lakes Marketing Limited Partnership, dba Ironwood Golf Club, 550 W. Champagne Drive. Recommendation for approval of State Liquor License #07070198 will be forwarded to the State Liquor Department. The Sun Lakes Homeowners Association #3, Inc. currently operates Ironwood Country Club under a Series 14, Private Club Liquor License that includes both the golf course and clubhouse restaurant with allows the sale of alcoholic beverages to club members only. The operation of the golf course is being taken over by Sun Lakes Marketing Limited Partnership. The clubhouse restaurant will continue to be operated by the Homeowners Association. In order for this organization to serve alcoholic beverages to the public, a Series 12 Restaurant Liquor License is required. Sun Lakes Marketing Limited Partnership is also in the process of applying for a Series 7 Beer and Wine Bar Liquor License for the operation of the golf course. Upon approval of these new applications by the Arizona

Department of Liquor Licenses and Control, the present Series 14 Liquor License will be surrendered.

The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

41. LIQUOR LICENSE: Abuelo's Mexican Food Embassy

APPROVED a Series 12 Restaurant Liquor License (Chandler #300000611) for John Edward Dorrington, Agent, Abuelo's International LP, dba Abuelo's Mexican Food Embassy, 3440 W. Chandler Boulevard. Recommendation for approval of State Liquor License #12075655 will be forwarded to the State Liquor Department. This application reflects a change in ownership and Planning and Development advises that a new Use Permit is not required as this will be a continuation of the location's previous use as Abuelo's Mexican Food Embassy.

The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

42. JOB ORDER CONTRACT: SDB, Inc.

AWARDED a job order contract to SDB, Inc. for the construction of Tumbleweed Recreation Center Parking lot, Project No. PR0209-401, in an amount not to exceed \$612,087.00 and authorized the Mayor to sign the contract documents. Approximately 67 acres of the 189-acre park at the southwest corner of Germann and McQueen Roads have been developed. Existing amenities include Chandler Tennis Center, sidewalks, ramadas, restroom, lighting, landscaping, internal roadways, and parking areas. This project will provide additional parking for events held at Tumbleweed such as the Ostrich Festival and the Jazz Festival. Plans for the site were developed as part of the Recreation Center Design Project. There are currently 362 dedicated parking spaces within Tumbleweed Park. Construction of this parking lot will add an additional 350 parking spaces.

43. PROPERTY TRANSFER: Jack In The Box Ord. #3511

ADOPTED Ordinance No. 3511 authorizing the transfer of real property in compliance with a settlement agreement and an amended and restated Development and Disposition Agreement in order to facilitate redevelopment in the downtown area.

MOVED BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER CACCAMO, TO approve the Consent Agenda as presented. Motion carried unanimously 7-0.

ACTION AGENDA:

MAYOR DUNN stated that items #34 and 35 would be considered concurrently.

34. USE PERMIT: Sam's Smoke 'N Stuff

PLANNER KEVIN MAYO stated that this request is for a Use Permit (UP03-0039) Sam's Smoke 'N Stuff, to sell liquor (beer and wine only) for off-premise consumption only (Series 10 Liquor License) at an existing convenience store located at 411 S. Arizona Avenue #2. The store

specializes in smoking and smokeless tobacco and tobacco related products and is zoned C-3, Regional Commercial District. The business has been in operation for approximately one year and employs one person with hours of operation being Monday-Saturday 6:00 a.m. to 12:00 a.m. and Sunday 8:00 a.m. to 12:00 a.m.

In response to neighbor and adjacent business owner concerns, the Planning Commission recommends the addition of condition #4 which limits the Use Permit to one year allowing for the re-evaluation of the use. The Planning Commission and Staff recommend approval with conditions. Staff is aware of a petition in opposition submitted before this Council meeting.

COUNCILMEMBER ANDERSON said the Police Department also has a supplement to the report regarding D.U.I. arrests. LT. MATT CHRISTENSEN presented statistics for liquor violations for the general area of the requested Use Permit. The approximate location of this convenience store has the highest concentration of liquor violations city-wide. Lt. Christensen next presented a bar graph depicting liquor violations, DUI's and calls for disorderly conduct in the area between Chandler Boulevard and Pecos and 1/8th of a mile on either side of the Arizona Avenue corridor. There have been 196 liquor violations reported this year, which equates to 40% of the liquor violations in the entire City. Liquor violations and DUI's have increased in the area with disorderly conducts remaining approximately the same.

COUNCILMEMBER ANDERSON clarified that liquor arrests in the subject area account for 40% for the entire City. Lt. Christensen stated that of the 468 city-wide incidents year-to-date, 196 of those were in this corridor. Councilmember Anderson commented that with the proliferation of liquor establishments in the area, this request is one more establishment that could possibly add to this type of activity.

MAYOR DUNN asked if there had been any specific complaints regarding Sam's Smoke 'N Stuff. Lt. Christensen responded that there were no complaints against this business.

COUNCILMEMBER WESTBROOKS stated that he requested these items be placed on the action agenda because of his concerns with the number of liquor establishments in this small area as he had previously lived in this area for about 20 years. He asked for a description of the type of business this is. KEVIN MAYO responded that it is best described as a convenience store specializing in smoking, smokeless tobacco and related products. There is a cooler for dispensing various beverages and snack items. There are also novelty hats and t-shirts. Staff has inspected the store four times. COUNCILMEMBER WESTBROOKS stated that he had also visited the establishment.

COUNCILMEMBER CACCAMMO asked if there was an adjacent establishment selling alcohol. MR. MAYO replied that there is business next to Sam's with a Series 10 Beer and Wine Liquor License. Councilmember Caccamo asked if it was normal practice to grant a license to an applicant in close proximity to another business with a liquor license. Mr. Mayo stated that it does happen.

In response to a question from the Mayor, MR. MAYO stated that the square footage of this business is approximately 1800 square feet. MAYOR DUNN

HOSSAM MAKSOUD, 3131 N. 75th Street, Scottsdale, owner, stated that he sells tobacco products and novelty items such as watches and t-shirts and soda. He began as an employee in the store and now owns it. He tries to sell to the area and provide what the neighborhood requests.

MAYOR DUNN asked if there was anyone present who wished to speak on this item. There were none. COUNCILMEMBER BRUNO commented that there were several pioneer families from the area who have signed the petition in opposition to the Use Permit and Liquor License because of the proliferation of liquor sales in the area.

COUNCILMEMBER ANDERSON expressed his agreement with COUNCILMEMBER BRUNO'S comments that this area has become a major area for alcohol related arrests including disorderly conduct and other criminal acts. A few years ago, Officer Gunnar was hit by a drunk driver in front of the Circle K. He stated that he is opposed to adding another liquor establishment in the area.

MR. O'NEILL stated that the motions for items 34 and 35 would need to be made separately.

COUNCILMEMBER WESTBROOKS MOVED TO DENY USE PERMIT UP03-0039, SAM'S SMOKE 'N STUFF. THE MOTION WAS SECONDED BY COUNCILMEMBER ANDERSON.

MAYOR DUNN expressed his concern that this applicant is being blamed for some of the activity in the area. He stated the facility is a small business. He added the problem in the area probably should have been dealt with previously. He is concerned that this applicant may be a "scapegoat" and due to the size of his business may not have any sizable impact on the current problems.

COUNCILMEMBER BRUNO confirmed that the action does not reflect on the applicant.

COUNCILMEMBER ANDERSON reiterated that it is too late to request another liquor license in the area and hopes that if the application is denied, it is a benchmark statement by the Council that they do not want any more liquor establishments in this area. He thanked COUNCILMEMBER WESTBROOKS for moving this item to the action agenda for further discussion.

COUNCILMEMBER WALLACE commented that another request to sell liquor in this area was denied a couple of years ago.

MAYOR DUNN also commented that one has been approved since then and there should be more consistency and enforcement. He expressed his concern for the applicant and that this is primarily a timing issue.

COUNCILMEMBER WESTBROOKS stated that the earlier application approved was for a business on Frye Road which he considers another neighborhood with a different consumers.

MOTION FOR DENIAL OF USE PERMIT UP03-0039, SAM'S SMOKE 'N STUFF, CARRIED UNANIMOUSLY 7-0.

35. LIQUOR LICENSE: Sam's Smoke 'N Stuff

CITY ATTORNEY DENNIS O'NEILL advised Council that since the Use Permit was denied, the applicant cannot comply with the City's zoning requirements. He then proposed the language for the motion.

MOVED BY COUNCILMEMBER WALLACE that the recommendation to The State Department of Liquor Licenses and Control be for DENIAL of a Series 10 Beer and Wine Store Liquor License (No. 10074607) for Sam's Smoke 'N Stuff, 411 S. Arizona Avenue, Suite 2, and DENIAL of the City of Chandler's Liquor License (#300000602) for the reason that the subject site does not comply with the City's Zoning requirements. The motion was SECONDED by COUNCILMEMBER WESTBROOKS.

MAYOR DUNN clarified that the Council acts as an advisory body to the State Liquor Board who will have the final decision on the application. Mr. O'Neill confirmed the Mayor's comments.

COUNCILMEMBER ANDERSON requested a copy of the minutes from this meeting summarizing actions taken on items #34 and 35 be forwarded to the State Liquor Board to clarify reasons for denial. Dennis O'Neill confirmed that the minutes would be sent with an attorney from his office as is standard procedure for denials to provide any further clarification needed by the Board.

MAYOR DUNN again called for any public comment or comment from the applicant.

MR. MAKSOUD, owner, stated that he has a quality business and he is at the business 7 days a week. If he has a complaint about the store or personnel, he handles it immediately even if it means firing someone. He keeps the area clean and does not allow loitering. What his neighbor allows is not his fault. He tries to help the neighborhood. Because of this denial, he will have to close his business. He is not asking for a big bar, only to have people be able to come in, buy liquor and leave.

THE MOTION FOR DENIAL OF a series 10 Beer and Wine Store Liquor License due to non-compliance with the City of Chandler's Zoning Requirements carried unanimously 7-0.

44. DISCUSSION AND RECOMMENDATION: Transfer Station Subcommittee

MAYOR DUNN stated that COUNCILMEMBER WESTBROOKS requested this item be placed on the agenda and referenced a memo distributed to Council from Staff regarding alternative sites. He asked Acting City Manager PAT MCDERMOTT for a synopsis of the memo.

MR. MCDERMOTT explained that the purpose of the memo is to review the alternative sites Staff looked at and present Staff's perspective on each site. Additional cost is a common factor in all sites as is the fact that no notice was given to any neighborhood and the General Plan did not reflect any other site. Physically, a transfer station could be built on a variety of 12-acre parcels, but because of cost, notice and General Plan provisions, this would not be advantageous over the existing site. Staff continues to support the current site while recognizing neighborhood concerns.

Mr. McDermott said that the suggestion of the Mayor, Staff reviewed allowing traffic off of Queen Creek. After more thorough review by Staff, all traffic entering and leaving the transfer station will be doing so off of Queen Creek and not McQueen further reducing the impact to the neighborhood. Staff has also been able to expand the existing contract for roadwork on Queen Creek to include improvements past the entryway to the transfer station which will also facilitate traffic flow.

MAYOR DUNN asked about the scheduling time frame for improvements on McQueen to Queen Creek. Mr. McDermott responded that it is scheduled to be completed ahead of that section of

the Santan which is currently scheduled for December 2005. He reported it was a County managed project and a request has been made for it to be expedited making McQueen scheduled for completion in October 2005. MAYOR DUNN commented that he would like the road work completed by the time the transfer station is opened. Public Works Director BRYAN PATTERSON clarified that the agreement with the County would need to be amended by Council to modify the scope and monies, approximately \$1.8 million, being contributed to the project.

City Attorney DENNIS O'NEILL summarized a memo forwarded to Council through his office reminding them that a construction contract was awarded on October 23, 2003, to Layton Construction for Phase I of the Solid Waste Complex in an amount of approximately \$3.5 million. Only a Councilmember on the prevailing side of that motion can move for reconsideration. He wanted to clarify that Council's action cannot delay or cancel the contract without violating the Council's rules and regulations since it is not on the agenda for reconsideration.

MAYOR DUNN clarified that should Council chose to seek an alternative site or go through that process, there would need to be a motion for reconsideration which is not on this agenda. It would have to be on a future agenda and would end the contract causing a financial impact to the City. MR. O'NEILL confirmed the Mayor's comments stating that if the City were to breach the contract, there would be a significant fine and would have no defense to the claim.

COUNCILMEMBER WESTBROOKS stated that the reason for requesting this item be added to the agenda was due to a memo sent to Mayor and Council by Christian Weems on behalf of Families Against Neighborhood Transfer Station. COUNCILMEMBER WESTBROOKS said that on October 23, 2003, he voted against a contract to construct the transfer station expansion because he felt more research on the site needed to be done and to demonstrate to this neighborhood organization that there are no other viable alternatives. He felt more research could be done that would include neighborhood participation.

He added that results from such a committee would give the neighbors an opportunity to see that there are no other alternatives and would have piece of mind and regain some confidence with the City and be able to move forward. Another result could be some innovative idea that would best serve everyone involved and there may be an alternative.

COUNCILMEMBER WESTBROOKS asked if the \$1.8 million necessary to advance construction on Queen Creek Road is budgeted, extra funds or if those funds could be used to find an alternative site. He also asked that if the decision to grant the construction contract for the site were to be revisited, could we contact the contractor and see if he would build the same thing on a different site.

COUNCILMEMBER WESTBROOKS asked where the Santan Freeway would be in relation to Site 4 as shown on the staff memo. MR. MCDERMOTT replied that the Santan would be approximately less than ½ mile to the north of the site. BRYAN PATTERSON added that a neighborhood meeting was held the previous evening and they were given quite a bit of detail regarding the path of the freeway. The freeway will go over the Consolidated Canal at that location, hit ground level near the middle of the development, and go underground as it approaches Cooper Road. The wall height follows that profile and is approximately 16' above the freeway surface. There is no residential between Germann and the freeway. The area to the south of Germann is General Planned for employment.

MR. BALLARD mentioned an inquiry had been made regarding a rezoning to the west of the Consolidated Canal from specialty commercial to residential. He added that a small amount of single-family homes, were also present in the area south of Germann, West of the Canal.

MAYOR DUNN asked the City Attorney if the discussion is moving away from the advertised agenda item. MR. O'NEILL confirmed that it is bordering on reconsideration of a past Council action.

COUNCILMEMBER WESTBROOKS commented that he visited the Oxnard, CA site which is considered one of the most premiere transfer stations in the southwest and noted that it is a beautiful site but is located in an industrial area with no residential within at least a mile.

COUNCILMEMBER WESTBROOKS concluded his comments by stating that the City has established many committees to review development of neighborhood projects such as this and does not understand why it would not be feasible for this issue.

COUNCILMEMBER BRUNO commented that the committees mentioned by Councilmember Westbrooks were formed before a vote was taken on the issue, which is not the case in this instance. She said that if the intent of the proposed committee was to research other sites, it could not be formed. However, if it were being formed to review the design of the transfer station, that would be a different issue and acceptable.

MAYOR DUNN likened this instance to the expansion of Motorola on Alma School where there was a lot of neighborhood concern because it is adjacent to the neighborhood. Council formed a liaison group involving the neighborhood in the design. They met directly with Motorola, had annual meetings and input in transportation and design. It was a major success and Motorola thanked the neighborhood for building a better facility. In 2001, a citizen committee (Update to Our General Review) met dealing with the location of all of our public facilities including the transfer station. There was extensive dialogue and it went through Planning and Zoning, Council and on to the voters in March 2002.

MAYOR DUNN expressed that he wants neighborhood participation in the design of all aspects of the transfer station with input to Staff.

MAYOR DUNN called for citizen comments reminding everyone that only the formation of a committee can be discussed as is listed on the agenda. This is not the time to discuss the location of the transfer station.

ERIC BLATT, 1582 E. Jade Place, commented that there are ways around the location of the transfer station and it is not a done deal. He stated the opinion that zoning the area residential started this situation and Chandler has sole responsibility for the situation that exists. The neighbors are trying to correct that error. There is also the issue of credibility on the part of the City including misleading information on the dump closure, signage, poorly prepared flyers, and plans not being fully explained regarding the dump/transfer station site. During the last meeting, it was perceived that the issue was "railroaded" through because of scheduling and cost. Another credibility issue is the alternate sites. He stated the purpose of the most recent staff memo seemed to be more of a rationalization for this site rather than to come up with a solution. In summary, Mr. Blatt encouraged the formation of a committee to come up with a solution for everyone.

MICHELLE DALY, 1710 E. Redwood Place, asked Council to partner with the neighbors, to move forward to rectify the situation. She is supporting an educated, persistent and challenged group who want to rectify the situation. Supporting the formation of such a committee will establish a win-win situation for the City of Chandler by allowing the City to show the community that due diligence was done. She is not only concerned about protecting her home, but also protecting her community consisting of over 1,300 families, future retail, neighborhood parks, the Paseo Trail and the future city "dump" park. She encouraged Council to think about this situation with the heart rather than as a political decision. Their goal is to protect their community.

JOHN CASTLE, 1694 E. Aloe Place, stated that the issue could be "put to rest" if the formation of a committee was approved and added they could work within any timeline necessary. She stated the Council no longer has the trust of this neighborhood and the neighbors do not believe the facts are being presented.

BRAD CLINE, 1054 E. Prescott Place, commented that the residents want to live in a city where they are actively involved in the community and the governing of the community. The residents need to have respect for and confidence in their government and council who need to listen to legitimate concerns raised by the residents. Based on the community involvement generated by this issue, there will be a great number of people affected by this project and the residents have legitimate concerns including a decrease in property value, safety and the overall quality of life. This is a complex issue with no easy answers but should not prevent it from being further discussed or prevent the exploration of alternative solutions. He encouraged the formation of a committee to discuss all options, including alternative locations, and put the project on hold until all options have been discussed.

JAN KRESS, 1073 E. Coconino Drive, read an excerpt from The Decision Makers Guide to Solid Waste Management, Volume II, regarding site development and obligations to the general public. She continued that the residents in the area were not there in 1991 when the discussions and decision to site the transfer station at this location were made. She also read an excerpt from an EPA manual stating that the siting process should include integral public participation. She commented that she knows of two possible sites that are for sale. She encouraged Council to form the committee.

CHRISTIAN WEEMS, 1690 E. Redwood, asked for clarification regarding the efforts to move the transfer station. CITY ATTORNEY O'NEILL clarified that it is not posted on the agenda and cannot be done at this meeting and that if it had been done, it would have had to have been done by a member of the prevailing side. MS. WEEMS asked if it is illegal to move the transfer station. MR. O'NEILL responded that it is not illegal to move the transfer station but it is illegal to take that action at this meeting. MS. WEEMS stated that at the last council meeting, prior to the vote, the Mayor said that although the construction contract was approved, it didn't mean the transfer station had to go in this location. She stated the opinion that residents feel the City has disregarded them. She commented that the transfer station is a danger because of the condition of the roads and the accidents caused by debris flying out of the garbage trucks. She said they moved to the area based on the promise of parks and of being relieved of the nuisance of trash in 2005. They are asking that a subcommittee be formed comprised of staff and neighborhood leaders to review and research the transfer station and discuss possible alternatives. If they meet as a committee and conclude there are no alternative sites, there will be a greater understanding of the process.

COUNCILMEMBER WESTBROOKS commented that he placed the item on the agenda as a result of a memo sent to Council by the community stating they did not have resolve on this issue

and wanted an opportunity to communicate with Staff on the possibility for a change. It is not possible at this meeting, but may be in the future, depending on the decision of Councilmembers who were on the prevailing side. This committee would allow the residents to have an opportunity to have some resolve.

MOTION made by COUNCILMEMBER WESTBROOKS for discussion and recommendation to form a subcommittee of Staff and community leaders to review and research the transfer station. The motion DIED for lack of a second.

MAYOR DUNN thanked Staff for providing the information and encouraged the future formation of a committee to act as a liaison group for this project with Staff coming back for Council consideration.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced the 46th Annual Tumbleweed Tree Lighting would be held Saturday, December 6, in Dr. A. J. Chandler Park. The annual parade of lights begins at 6:30 followed by the lighting of the Tumbleweed Tree.

The Sunrise on the Santan Celebration was held this past Saturday, November 22. An estimated 5000 residents participated in the event. THE MAYOR thanked ADOT and Governor Napolitano for her comments and encouraged residents to use the Santan. He commented that the next focus would be on getting the 101/Price Freeway rubberized by this spring making Chandler the first city in the valley with all rubberized freeways.

THE MAYOR also announced that the December Council meetings will be held on the 15th and 18th.

MAYOR DUNN wished everyone a happy Thanksgiving.

B. Councilmembers' Announcements:

There were no Councilmember announcements.

C. City Manager's Announcement:

There were no City Manager announcements.

Adjournment: The meeting was adjourned at approximately 9:10 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 20th day of November 2003. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of _____, 2003.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Monday, December 15, 2003 at 7:10 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

Also in attendance:

Pat McDermott	Acting City Manager
Rich Dlugas	Assistant City Manager
Dennis O'Neill	City Attorney
Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Nachie Marquez, Mark Eynatten, Chief Roxburgh, Patricia Walker, Dave Seigel, Glen Van Nimwegan, Acting Chief Neuman, Bryan Patterson

INVOCATION: The invocation was given by Reverend Roger Storms, Chandler Christian Church

PLEDGE OF ALLEGIANCE: Councilmember Bruno led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Recognition of Hamilton High School's 5A State Football Championship

MAYOR DUNN asked COACH JOHN WRENN and members of the Hamilton High School football team to join him at the podium. THE MAYOR congratulated the team for their first 5A State Football Championship win. They won the final game by a score of 35-28 over Mountain View in a game described as being the best high school championship game ever played. Hamilton's record for the year was 13-1.

UNSCHEDULED PUBLIC APPEARANCES - None

CONSENT:

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY COUNCILMEMBER WALLACE, to approve the Consent Agenda as presented. The motion carried unanimously 7-0.

1. POWER EASEMENT: SRP Ord. #3458

ADOPTED Ordinance No. 3458 granting a no cost power easement to Salt River Project for relocation and maintenance of electrical facilities on the north side of Riggs Road, south of the Shadow Ridge subdivision, and east of Lindsay Road.

2. CITY CODE AMENDMENT: Chapter 52 – Water Use Regulations Ord. #3498

ADOPTED Ordinance No. 3498 amending Chapter 52, of the City Code to provide authority for the City Council to declare a Stage Four drought and implement certain water use regulations upon such declaration and providing penalties for violation thereof.

3. UTILITY EASEMENT: APS Ord. #3508

ADOPTED Ordinance No. 3508 granting a no cost utility easement to Arizona Public Service (APS) to install and maintain electrical facilities for Fire Station #8 located at 811 West Frye Road.

4. ALLEY VACATION: Downtown Redevelopment Area – Site 7 Ord. #3509

ADOPTED Ordinance No. 3509 authorizing the vacation of alleys located between Washington Street, Chandler Boulevard, Colorado Street, and Buffalo Street and a portion of the alleys located within an area bounded by Arizona Avenue, Chandler Boulevard, Washington Street and Buffalo Street.

5. ANNEXATION: Ocotillo Road and Consolidated Canal Ord. #3510

ADOPTED Ordinance No. 3510 annexing approximately 30 acres of property located at the NWC of Ocotillo Road and the Consolidated Canal.

6. REZONING/PRELIMINARY DEV PLAN: Rezzonico Dairy (Homestead Park) Ord. #3512

ADOPTED Ordinance No. 3512 (DVR03-0010/PPT03-005) Rezzonico Dairy (Homestead Park) rezoning from AG-1 to PAD for an 83 lot single-family residential subdivision with a Preliminary Development Plan on approximately 21 acres west of the SWC of Germann and Alma School Roads.

7. REZONING: Heriberto Reyes Family Residence Ord. #3513

ADOPTED Ordinance No. 3513 (DVR03-0023) The Heriberto Reyes Family Residence, rezoning from AG-1 to Single-Family District (SF-33) for a single-family residence on approximately .83 acres at 876 East Willis Road.

8. CODE AMENDMENT: Civil Infractions and Penalties Ord. #3496

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3498 amending City Code Chapter 1 Section 1-8; adding a new Chapter 26; amending Chapter 28, Section 28-9; Chapter 30, Section 30-6; Chapter 44, Section 44-9, Chapter 58, Section 58-6 relating to Civil Infractions and providing new penalties for violations of the City Code.

Neighborhood Services assessed the need for a different method of enforcing various City Code infractions on a day-to-day basis. In the present form, the City Code is enforceable only through the criminal complaint process. This process is true for the City Code in its entirety. The end result is the violator is subject to a criminal record and a fine. This process does not guarantee abatement and the violation continues to exist or re-occur in the future. The civil process allows various City departments enforcement power over the City Code to streamline the process, abate the violation and seek a civil remedy for non-compliance. It also allows the City of Chandler to

gain compliance without attaching the stigma of a criminal record to the violator of the code in most instances.

9. LICENSE AGREEMENT AMENDMENT: Qwest Broadband Services Ord. #3507

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. #3507 amending the construction schedule requirements related to timelines and deferral of liquidated damages related to the Cable Television License Agreement with Qwest Broadband Services, Inc.

Council approved Ordinance No. 2890 granting US West Communications, Inc. (subsequently acquired by Qwest Broadband Services, Inc.), a non-exclusive 15-year cable television license agreement effective November 7, 1998. One condition of the license was that it would provide universal coverage to the City with a construction schedule build-out to be completed within five years of granting the license. This construction deadline was to be reached November 6, 2003, but the system is still incomplete. Qwest advises that company constraints and the current state of the economy have hampered their construction plans. While Qwest's goal is to ultimately fulfill its originally proposed construction schedule, it has asked for relief from the schedule and related timeline requirements in consideration of the flexibility to continue their operation and construction under present market conditions. The license allows for liquidated damage charges to be levied on Qwest for missing its construction deadline; however, Council can approve a delay and has the authority to amend the license agreement at the request of Qwest. Staff has concluded that the proposed amendment would be in the best interests of the City of Chandler and its citizens and would satisfy the license provisions.

In exchange for postponing the construction schedule outlined in the original license and in lieu of having the liquidated damages applied, Qwest proposes to offer the City concessions. Qwest has offered the City an increase to its current Internet connection from a T1 circuit with a 1.54 MB bandwidth to the Internet to a DS-3 circuit with a 44.376 MB bandwidth with service to the Internet. This will include providing the latest Cisco 3725 router with the latest IP IOS and a T3 network module. This service and equipment will be provided free of charge to the City for five years with possible extensions based on the amendment's conditions. This expansion of broadband service will be used to enable the City to provide greater e-government service in the future and has the support of the City's Information Technology Division.

10. CONTRACT: City Manager

APPROVED a contract to hire a City Manager at a salary of \$157,000.00 and authorized the Mayor to sign the contract.

COUNCILMEMBER BRUNO commended the Council and Mayor on hiring Mark Pentz from Rockville, MD, and stated that he will be an asset to the City.

MAYOR DUNN concurred with Councilmember Bruno's comments and stated that there were good candidates for the position, but Mr. Pentz stood out from the rest. He has been the City Manager in Rockville since 1998 and has dealt with some of the problems Chandler faces such as build out and has experience working with various citizen organizations. He is currently the president of the Maryland City / County Management Association and has served on numerous city management related boards and commissions during his career. In 1993, Mr. Pentz was awarded the prestigious Buford Watson Award for Excellence in Public Management from the Kansas Association of City and County Governments. THE MAYOR also mentioned the e-mail

distributed to Council highly recommending the hiring of Mr. Pentz from a professor at the W. P. Carey School of Business at Arizona State University.

MOVED BY COUNCILMEMBER BRUNO, SECONDED BY COUNCILMEMBER WALLACE, TO approve the Consent Agenda as presented. The motion carried unanimously 7-0.

SPECIAL ORDERS OF THE DAY

- A. Mayor's Announcements - None
- B. Councilmembers' Announcements:

COUNCILMEMBER WALLACE offered condolences to the families on the loss of three distinguished Chandler residents – Faith Sossaman, 99, from one of the pioneer families; Martha Backer, who was a member of a farming family in the 1950's; and Marlyn Brown, wife of former Airport Commissioner George Brown, was also heavily involved in community activities.

COUNCILMEMBER BRUNO thanked Pat McDermott for his work while acting as Interim City Manager.

COUNCILMEMBER WESTBROOKS commented on the success of the Christmas parade and tumbleweed tree lighting and thanked staff for their work. THE MAYOR added that this parade had the most entries of any past parade.

- C. City Manager's Announcement - None:

Adjournment: The meeting was adjourned at approximately 7:25 p.m.

ATTEST: _____

City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 15th day of December 2003. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of _____, 2004.

City Clerk

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library,
22 S. Delaware, on Thursday, December 18, 2003 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD DUNN.

The following members answered roll call:

Boyd Dunn	Mayor
Lowell Huggins	Vice Mayor
Dean Anderson	Councilmember
Patti Bruno	Councilmember
Bob Caccamo	Councilmember
Donna Wallace	Councilmember
Phillip Westbrook	Councilmember

Also in attendance:	Pat McDermott	Acting City Manager
	Rich Dlugas	Assistant City Manager
	Dennis O'Neill	City Attorney
	Marla Paddock	City Clerk

Staff present: Brian Bosshardt, Nachie Marquez, Mark Eynatten, Patricia Walker, Dave Siegel, Doug Ballard, Acting Chief Neuman, Bryan Patterson.

INVOCATION: The invocation was given by Chaplain Judy Esway, Chandler Regional Hospital

PLEDGE OF ALLEGIANCE: Councilmember Anderson led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognitions

MAYOR DUNN was joined by Community Services Director MARK EYNATTEN in recognizing Cecilia Martinez for 30 years of service. Cecilia began working for the City at the age of 16 as a page shelving books in the Library. Mr. Eynatten referred to a letter from then Library Manager Jean Griffith asking the City Manager to waive the minimum age requirement as Ms. Griffith felt that Cecilia would be a valuable addition to their staff. Mr. Eynatten commented that Ms. Martinez has since held a variety of positions in the Library and has demonstrated unsurpassed work ethics throughout her career. She has received numerous Values Alerts and many Exceptional Merit Awards and is known to be able to work in many areas wherever she is needed.

MAYOR DUNN was joined by ACTING CHIEF NEUMAN and CMDR. BRZUCHALSKI in recognizing Susan Bonville for 15 years of service in the Police Department. Susan began her career with the City while she was in her teens. She has held numerous positions in the Police Department moving towards her current position as Police Administrative Assistant. She was awarded the Civilian Employee of the Year Award in 1998 and an Extra Merit Award for her exceptional work in coordinating and facilitating the Chandler Police Department's Citizen's Academy, one of the most successful community policing programs to date, and continues to facilitate the Citizen's Academy Alumni Program. Susan also pioneered the Northern Arizona State University Cohort Program while it was here for three years.

THE MAYOR was next joined by PLANNING & DEVELOPMENT DIRECTOR DOUG BALLARD in recognizing Anne-Marie Tayler for 10 years of service with the City. She began her career as a zoning inspector in the Planning and Development Department and moved to Neighborhood Services when she became a neighborhood specialist. Anne-Marie returned to the Planning and Development Department as a building code specialist where she provided a variety of services including repair or demolition of unsafe structures, assisting occupants from unsafe buildings find decent housing programs and resolution of landlord tenant disputes.

2. Police Department K9 Retirement – Donja

MAYOR DUNN asked OFFICER STEVE FOSTER, DONJA and ACTING CHIEF NEUMAN to join him at the podium. Donja was acquired by the Chandler Police Department in 1996 and assigned to K9 Officer Steve Foster. She was trained as a dual-purpose K9 and became proficient in narcotics detection and as a patrol dog used to track and locate suspects and is credited with locating 18 felony suspects, several misdemeanor suspects and several narcotic finds. Officer Foster and Donja also conducted numerous K9 demonstrations at schools and civic functions. In 1999, Donja placed 4th in the Area Search Competition and 3rd in the Narcotics Detection Competition at the Law Enforcement K9 trials in Yuma, AZ. This is the second retiring K9 partner for Officer Foster.

3. American Heart Association/Fire Department Special Presentation, Mary Lee Hyatt, Regional Vice President “Everyday Heroes” Presentation by Fire Department

THE MAYOR introduced MARY LEE HYATT and DR. SCOTT EGREN of the American Heart Association. Mayor Dunn gave an account of an incident at Snedigar Sports Complex when two young boys were accidentally buried while playing in a dirt pile. Tragedy was avoided thanks to the quick actions of several individuals who rescued the boys. The Mayor recognized the boys who were in the audience. MS. HYATT thanked the Mayor and Council for allowing the American Heart Association the privilege of recognizing two heroes. She gave a brief background on the Heart Saver Award, which was developed to recognize and congratulate people who have performed CPR or defibrillation in the effort to save a life. Ms. Hyatt awarded the Heart Saver Award to Mike Pearson for heroic efforts in performing life saving CPR on November 15, 2003.

Dr. Egren, President of the American Heart Association Phoenix Metro Board, also presented the award to City of Chandler employee Ray Zaremba for his quick action in administering CPR.

FIRE BTN. CHIEF DAN COUCH also recognized Mike Pearson, Dave McCune, Ray Zaremba, Ben Hernandez and Officer Troy Messina for their efforts at the 11/15/03 incident. The Parks workers on the site helped Mr. Pearson, father of one of the boys, dig the boys out of the dirt. Mr. Zaremba administered CPR. Officer Messina was a calming influence at the scene. Mr. Couch congratulated all those involved and recognized the importance of citizen CPR.

4. Becky Jackson – Chamber Update Business Focus Forums

THE MAYOR introduced Becky Jackson with the Chamber of Commerce who presented an update on recently held Business Focus Forums. Membership has increased to approximately 850 members; a tech center had been opened; they have had three very successful events and are working on the 2004 Ostrich Festival. The Business Focus Forums were suggested by Vice-Mayor Huggins and have been very successful. The concept demonstrates to the businesses of Chandler that the Chamber understands that each business and area is unique and has different

needs. The City was divided into seven geographic areas and meetings have been held with two of the areas.

Each business is asked to complete a survey and the responses are used to look for trends, issues or projects that the Chamber can assist with. Concerns relayed by the businesses are then taken to City personnel to try to come up with a solution. Ms. Jackson has been working with Claudia Whitehead in coordinating meets with downtown businesses in conjunction with regular Merchant Association meetings.

Ms. Jackson stated that the Chamber can assist with marketing, PR and cooperative advertising by offering discounted ads in their publications. They can also assist with planning events to bring more people downtown.

MAYOR DUNN thanked Ms. Jackson for the valuable partnership the City has with the Chamber and commended her on her achievements.

5. Barbara Masztakowski – Retiree Healthcare Benefits

MAYOR DUNN introduced Barbara Masztakowski who discussed the recently passed medical benefits package for FY 2003/04 focusing on the individual only rate increase. Ms. Masztakowski reported the cost to the individual employee is \$10.00 per month while the increase to the individual retiree is \$73.00 per month. She expressed concerns that there was no retiree representation on the committee for medical benefits. Employees were given the new rate information to review prior to Council approval while retiree's packets were mailed out after the approval vote. The City is covering 80% of the insurance increase costs for the employees and nothing for the retiree. In 1998, Police and Fire negotiated for a \$40.00 subsidy from the City for the retiree medical costs. Two years later, due to increased costs and matching other City benefits, the subsidy increased to \$60.00 per month. It has been four years since this has been reviewed and this year has seen the biggest increase ever. Mesa and Tempe give a \$200.00 subsidy to their retirees. Ms. Masztakowski stated she spoke with Pat McDermott regarding these issues but to no resolve.

The number of retirees varies throughout the year. As more employees retire, others drop off of the subsidy list due to Medicare eligibility, relocation or death with the average being approximately 60 per month. The new cost to the retiree will be \$158.00 per monthly. If the retiree cost were raised only \$10.00 like the employees, the cost to the City would be \$3,780.00 per month.

Ms. Masztakowski said she recently reviewed the amount of monies used toward food and entertainment and suggested that funds from areas could be used toward this medical cost. She added that the medical benefit packet sent to retirees was dated October 27th, three days after the closing date to enroll in the State Retirement insurance program.

Ms. Masztakowski requested that Council review the matter as she felt there was time to make an amendment with the effective date for new rates being January 1, 2004.

MAYOR DUNN asked PAT MCDERMOTT if he would like to supplement information to the previously issued memo to Council. MR. MCDERMOTT stated that the purpose of the memo was to provide an overview of the general retiree healthcare issues. He commented that this is not an issue unique to Chandler, it is nationwide. The Arizona State Retirement System is also addressing the issue of retiree healthcare and it continues to be an on-going budget issue.

6. Robert Atwood – Tuscan Springs

Mr. Atwood was not present.

7. Tony Dibonito – Gas and its effects on people

TONY DIBONITO, 501 E. Ray Road #167, spoke on the effects of gasoline on people.

UNSCHEDULED PUBLIC APPEARANCES:

There were no unscheduled public appearances.

CONSENT:

COUNCILMEMBER ANDERSON stated that he had asked Items #39 and 40 be moved to the Action Agenda. After researching his concerns and concluding that the business falls outside perimeter of the radius of high-density alcohol sales and usage area, he requested the items be returned to the Consent Agenda.

MOVED BY COUNCILMEMBER ANDERSON, SECONDED BY VICE-MAYOR HUGGINS, to approve the Consent Agenda as presented to include Items #39 and 40.

COUNCILMEMBER BRUNO declared a conflict of interest on Item #50 and stated she would be voting no on items #39 and 40.

COUNCILMEMBER WALLACE confirmed that stipulation #17 on agenda item #8 had been changed to reflect Council direction at the Study Session Monday night.

COUNCILMEMBER ANDERSON commented on item #51 regarding the justice court facility. He thanked Vice-Mayor Huggins for his work on this agreement over the past few years.

MAYOR DUNN also thanked VICE-MAYOR HUGGINS and ACTING CITY MANAGER PAT MCDERMOTT for their work on the intergovernmental agreement for the justice court. The County Board of Supervisors has approved the agreement.

COUNCILMEMBER WESTBROOKS also expressed thanks to Vice-Mayor Huggins.

VICE-MAYOR HUGGINS stated this would provide a savings for the citizens and police by not having to go to different places.

When the vote was taken, MOTION CARRIED UNANIMOUSLY, (7-0) with Councilmember Bruno voting nay on Items 39 and 40.

1. MINUTES:

APPROVED, as presented, the minutes of the Chandler City Council Special Meetings of November 20, November 25 and December 8, 2003, and the Regular Council Meeting of November 20, 2003.

2. CITY CODE AMENDMENT: Civil Infractions and Penalties Ord. #3496
- ADOPTED Ordinance No. 3496 amending Chapter 1, Section 1.8; adding a new Chapter 26; amending Chapter 28, Section 28-9; Chapter 30, Section 30-6; Chapter 44, Section 44-9 and Chapter 58, Section 58-6 of the Chandler City Code relating to civil infractions and providing new penalties for violations of the City Code.

3. LICENSE AGREEMENT AMENDMENT: Qwest Broadband Agreement Ord. #3507
- ADOPTED Ordinance No. 3507 approving an amendment to the construction schedule requirements and deferral of liquidated damage fees related to Ordinance No. 2890 Cable Television License agreement with Qwest Broadband Services, Inc.

4. NO COST POWER EASEMENT: Salt River Project, Cooper Road Ord. #3481
- INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3481 granting a no cost power easement to Salt River Project for relocation and maintenance of electrical facilities on the east side of Cooper Road, extending north and south of Ocotillo Road. As part of the development of the Redwood Estates subdivision, additional right-of-way along Cooper Road was dedicated for future improvements to Cooper Road. To accommodate these improvements, SRP is required to relocate its 69 kv power line facilities to the outside edge of the new right-of-way. The easement to SRP varies in width from two feet to ten feet and will accommodate the relocation and maintenance of the electrical facilities. Staff has confirmed that Salt River Project has prior rights based on documentation provided.

5. NO COST POWER EASEMENTS: Salt River Project, Riggs Road Ord. #3500
- INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3500 granting two no cost power easements to Salt River Project on the north side of Riggs Road, extending along Citrus Preserve Subdivision and across the south boundary of the future City park west of Val Vista Drive. As part of the development of the Citrus Preserve Subdivision, additional Riggs Road right-of-way was dedicated for future improvements to Riggs Road. To accommodate these improvements, SRP is required to relocate its 60 kv power line facilities to the outside edge of the new right-of-way along the north side of Riggs Road. As part of this work, SRP will also relocate its 69kv power line facilities along the south side of the future City park property.

These required easements vary in width from 12.86 feet to 30 feet. The easement will accommodate the relocation and maintenance of SRP's electrical facilities at no cost to the City. The new power poles will be located in the outside three feet of the ultimate Riggs Road right-of-way. Staff has confirmed that Salt River Project has prior rights based on documentation provided.

6. NO COST POWER EASEMENTS: Salt River Project, Pecos Road Ord. #3503
- INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3503 granting two no cost power easements to Salt River Project for relocation and maintenance of electrical facilities on the south side of Pecos Road between Emmett Drive and Gilbert Road along the Rancho Del Ray subdivision. As part of the development of the Rancho Del Ray subdivision, additional Pecos Road right-of-way was dedicated for future improvements to Pecos Road. To accommodate future improvements to Pecos Road, SRP is required to relocate its 69kv power line facilities to the outside edge of the new right-of-way. The easement varies in width from 13

feet to 31 feet. The new power poles will be located in the outside four feet of the ultimate Pecos Road right-of-way. These easements will accommodate the relocation and maintenance of the electrical facilities. One is permanent and the other is temporary. The temporary easement will accommodate the power line that crosses Norman Way and will automatically be extinguished when that portion of Pecos Road east of the temporary easement is widened to the ultimate road right-of-way. Staff has confirmed that Salt River Project has prior rights based on documentation provided.

7. ANNEXATION: NWC Gilbert Road / Chandler Heights Road Ord. #3514

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3514 annexing approximately 68 acres at the NWC of Gilbert and Chandler Heights Roads as requested by the owner. (Applicant: Jennifer Urquhart, Withey Anderson & Morris; Owner, Roosevelt Water Conservation District.) The annexation incorporates into the City all the property required for a proposed office and shopping center site and Roosevelt Water Conservation District (RWCD) pond. It is currently zoned R-43 (Rural Residential) in the County.

The City's General Plan Land Use Element designates this property as part of the Southeast Chandler Area Plan for community/regional open space. The western and northern portions of the property are within a flood zone which will need to be addressed at time of development as well as other drainage requirements. The property is not within an airport noise contour. A portion is proposed for office and commercial uses at the corner of Gilbert Road and Chandler Heights Road with the remainder remaining as an outfall basin for the Roosevelt Water Conservation District's Eastern Canal.

The property currently has a single house on it, which is proposed to be demolished. The rest of the property is an outfall basin for the Eastern Canal and is being graded for future commercial and office sites. West of the property is farmed and is the site of the approved Sunrise Meadows Subdivision. Northwest is the City's water recharge facility and north is rural residential development. East and southeast is farmed, a portion being the approved site of the developing Peterson Farms residential subdivision. South is the Riggs Ranch Meadows subdivision currently under construction.

8. REZONING: Santan Gateway Ord. #3515

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3515 rezoning (DVR03-0020), Santan Gateway, from Regional Commercial District (C-3) and General Industrial District (I-2) to PAD for a commercial center including a large single use retailer with Preliminary Development Plan on approximately 60 acres on two parcels at the SEC of Arizona Avenue and Pecos Road and the NEC of Arizona Avenue and Willis Road. (Applicant: Diversified Partners.)

The site is zoned Regional Commercial District (C-3) and General Industrial District (I-2) and is currently vacant. The future Santan Freeway (Loop 202) transects the two parcels. The site is bounded by two arterial streets (Pecos Road and Arizona Avenue), a collector street (Willis Road), and the Southern Pacific railroad. Surrounding development includes single-family residential and commercial to the north, commercial to the west, a County island to the south with commercial and residential and vacant parcels east of the site.

The applicant requests to rezone the site from C-3 and I-2 to Planned Area Development (PAD) with Preliminary Development Plan (PDP). The PAD zoning proposed Neighborhood Commercial District (C-1) and Community Commercial District (C-2) type uses including Large Single Use

Retail. Major anchor tenants include a Wal-Mart Supercenter and a Sam's Club. The proposed development is in conformance with the General Plan's Land Use Element, Airpark Area Plan and Santan Freeway Corridor Area Plan, which designates this property for Regional Commercial which generally includes large retail and a variety of retail, service, hotel and office uses.

The project design proposes one large single use retailer (Anchor A) at the southeast corner of Arizona Avenue and Pecos Road and Anchor B at the northeast corner of Arizona Avenue and Willis Road. The site also includes several freestanding pads, which may include such uses as a gas station, fast food restaurants, freestanding restaurants, banks, freestanding drug stores and in-line retail shops.

Notification was made in accordance with the City of Chandler Zoning Code requirements with a neighborhood meeting being held on October 2, 2003 at the Chandler Municipal Airport. The meeting was well attended with those in attendance conveying their support for the development. The Airport Commission has reviewed the project and determined there are no conflicts. Staff is not aware of any opposition to the project.

The development meets the commercial design standards including site development and landscape requirements including a variety of building sizes and orientations. Anchor tenants are located adjacent to the Santan Freeway and railroad tracks, while minor tenants and pads are primarily situated along Arizona Avenue. Retail shop buildings are clustered with a pedestrian feature including a water element at the intersections of Arizona Avenue and Pecos Road and Arizona Avenue and Willis Road establishing a sense of arrival and entry to downtown Chandler.

The project provides 2,549 parking spaces which is more than the required 2,189.

The sign package, including freestanding signs and wall-mounted signs, is designed in coordination with landscape plans and planting materials. The proposed building signage meets the sign Code; however, the development requests waivers to monument signs including the locations, number of signs and tenant panels, height and sign area. Center identification signs are located at the intersections of Pecos Road and Arizona Avenue, Willis Road and Arizona, and Arizona Avenue and the Santan Freeway.

The proposed large single use retailer, Anchor A, complies with most of the Large Single Use Retail ordinance requirements. These requirements include locating large single use retail adjacent to a freeway interchange, arterial streets and railroad tracks. The proposed development meets this requirement and the planned land use designation, Regional Commercial development.

Large single use retail is required to maintain a 1,500-foot separation from single-family residential zoned uses. This proposed development does not meet that requirement; however, the development does demonstrate a combination of superior architectural or site design techniques. Instead of incorporating other accessory retail shop space and storefronts as a mitigating technique, the large single use retail building is located adjacent to other smaller scale buildings with less intensive land uses at the northern side, which provides an affective transition to the single-family residential use north of Pecos Road. Additionally, loading docks and overhead bay doors do not face any adjacent single-family residential use.

The large single use retail ordinance requires a 100-foot wide greenbelt when adjacent to single-family residential; however, because there is no adjacent single-family residential use, other side design techniques are implemented. The site design technique buffers the view of the large single use retail building from single-family residential north of Pecos Road. Additional buffering

is provided as a part of the City's Pecos Road widening project, in which a 6-foot high block wall will be constructed on the north side of Pecos Road. Loading docks and overhead bay doors do not face any adjacent single-family residential use.

The development complies with the large single use retail ordinance site development standards including requirement for lot coverage, building setbacks, exterior building design, sidewalks and outdoor uses.

There will be no outdoor display areas other than the garden center which is screened by fenced walls; there are no exposed shopping cart containment areas adjacent to the building; there will be no overnight recreational vehicle parking anywhere within the site and no outdoor storage of merchandise or other miscellaneous material.

A traffic study has been submitted to the City for review and recommends certain improvements to mitigate the development's traffic impacts in accordance with the City's Transportation Plan.

Staff is of the opinion that the large single use retailer warrants departures from ordinance requirements. The development has meritorious features including good site design, architectural quality, pedestrian-friendly, unique plazas and artwork. It demonstrates a combination of superior architectural or site design techniques. Anchor tenants are located near the future freeway and railroad tracks away from arterial streets. The site layout and architecture are compatible with the surrounding area and meets the large single use retailer site development and landscaping standards. It is consistent with the area planning and design guidelines established for Chandler.

The Planning Commission recommended the addition of Conditions 18 through 27 and amended Condition No. 17 to allow "It's A Big Deal" as a part of the Wal-Mart Supercenter building signage. The applicant agreed with the conditions.

During the Study Session, it was recommended by Council that Condition No. 17 be amended to allow "Always" as part of the signage.

Upon finding the request to be consistent with the General Plan, Santan Freeway Corridor Area Plan and Chandler Airpark Area Plan, Planning Commission and Staff recommend approval subject to conditions as listed in the ordinance.

9. CITY CODE AMENDMENT: Emergency Radio Communications Ord. #3516

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3516 amending Chapter 28, Section 28-6 of the City Code requiring builders and developers to install Emergency Radio Communications in structures which present dangerous conditions for emergency personnel and occupants.

Emergency response personnel need the ability to communicate with each other, not only on the outside of a structure but also while performing duties inside a structure. Currently, radio communications inside facilities are adequate to support emergency response personnel. The Chandler Mall added devices inside the main mall area due to problems with communications. With the continued growth of the City, it is anticipated that more development will include underground parking structures and high-rise buildings. As the City becomes denser, even with the new technology of the 800 mhz system, proper communications need to be incorporated into the early status of development. Without internal and external communications between

personnel, emergency crews have the potential of directing hazardous situations to each other. Communications for emergency crews is a vital part of personnel safety during an incident.

10. CITY CODE AMENDMENT: Breathing Air Systems Ord. #3517

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3517 amending Chapter 28, Section 28-6 of the City Code requiring builders and developers to install Breathing Air Replenishment Systems in structures which present dangerous conditions for emergency personnel and occupants.

Fires in large commercial, sub-grade areas, high-rise or complex structures are always labor intensive due to the difficulty of trying to obtain a fire control. High-rise fires present unique problems to emergency response personnel accustomed to operating at ground level, primarily those of access, rescue, fire control, ventilation, resources and firefighter safety. Currently it is the practice in high-rise fires to establish a resource sector below the fire, which would include bringing all the full air bottles that the entire attack crews might need. A typical fire attack on the high-rise fire floor would include four fire vehicles staffed with four each or a total of 16 personnel. Each emergency response personnel would ascend the stairs to the fire floor, with tools and breathing equipment. The breathing apparatus used by emergency personnel is rated for 30 minutes under normal breathing conditions but, may last as little as 15 to 20 minutes under heavy work conditions. Typically, other emergency personnel would have to bring extra breathing air bottles to the area below the fire floor (2 bottles per trip), which is one floor below the fire floor to replace the empty bottles as emergency response personnel exit out of the fire floor and then return to the ground level to refill them. This is an extremely labor intensive procedure. A breathing air system will provide a safe and reliable source of breathing air replenishment to the emergency crew where they need it the most, at the staging area of a complex structure fire.

11. REAL PROPERTY EXCHANGE: Arizona Avenue / Willis Road Ord. #3518

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3518 declaring certain real property at the NEC of Arizona Avenue and Willis Road no longer necessary for use as public roadway; authorizing and approving the exchange of said real property to an abutting property owner for new public roadway along the south side of Pecos Road; and authorizing the execution of all documents necessary to complete such exchange of real property.

As part of the widening of Arizona Avenue from Frye Road to Ocotillo Road, the City acquired a lot at the northeast corner of Arizona Avenue and Willis Road. While part of the lot has actually been improved and used as public roadway, the remaining portion of the lot has not been used and is not needed as public roadway (the "Excess Roadway"). This remainder portion does have an unimproved, storm water retention basin on it, but it is expected the storm water retained in the basin will be accepted by the property along the east side of Arizona Avenue between Pecos and Willis Roads when that property is developed (Santan Gateway Property).

Diversified Partners is currently assembling and acquiring the Santan Gateway Property for commercial development. The developer's zoning application is currently before the City Council and the completion of the assemblage and acquisition is expected to occur by February, 2004, at which time Diversified Partners will own both the property abutting the aforementioned City property and the property the City needs for public roadway purposes along the south side of Pecos Road east of Arizona Avenue (the "New Roadway").

This ordinance allows the City to quit claim the Excess Roadway to Diversified Partners in exchange for the developer deeding to the City the New Roadway. The size of the New Roadway exceeds the Excess Roadway and that difference will be treated as dedicated roadway for which Diversified Partners will be entitled to a credit against impact fees assessed at time of development of its property. Diversified Partners will maintain the existing retention basin and accept the retention capacity into its development. It is expected that an escrow will be open so that the exchange can be completed sometime in February, 2004.

The roadway exchange will help with the commercial development of abutting private property, will relieve the City of responsibility for maintenance of the retention basin and the Excess Roadway and allow the City to obtain roadway needed for the pending Pecos Road Project at a lesser expense than would otherwise be incurred.

12. NO COST EXTINGUISHMENT: Public Utility Easement Res. #3670

ADOPTED Resolution No. 3670, a no-cost extinguishment of a portion of the Public Utility Easement within Lot 2, Arizona Country, a subdivision located south of Ocotillo Road and east of Cooper Road in Chandler as requested by Keystone Homes. Currently, none of the approved floor plans can be built on Lot 2. Granting the extinguishment of a 5' x 10.47' portion of the public utility easement on Lot 2, will allow one floor plan to be plotted.

The extinguishment of this portion of the easement will not impact any utilities and there have been no objections from City staff or public utility companies. The Public Utility easement was established as a part of the Arizona Country Subdivision and covered an area that would be later platted as Lot 2, in the Arizona Country Subdivision.

13. AGREEMENT: Union Pacific Railroad Res. #3693

ADOPTED Resolution No. 3693 authorizing an agreement with the Union Pacific Railroad Company to share repair costs for eleven rail crossings with a City contribution of \$550,000.00.

Rail crossings in the City of Chandler have been in need of repair for several years and there have been numerous citizen complaints. Because the crossings belong to the Railroad, the City is prohibited from making repairs to the crossings. However, based on prior written agreements with the Railroad, the City has responsibility for repairing the approaches to the rail crossings and a portion of the cost of the crossing repair. In July 2001, Staff submitted a request to the Arizona Corporation Commission (ACC) asking the Commission to direct the Railroad to make the necessary repairs to the crossings most in need of repair.

After reviewing the condition of the crossings and reviewing existing agreements between the City and the Railroad, the ACC directed the Railroad to make repairs to crossings on Erie Street, Warner Road, Chandler Boulevard and Ray Road, while continuing to work with the City on determining the City's share of the cost based on the individual agreements. The repairs to the four crossings were made in July of 2003.

The estimated cost to make repairs to the crossings is between \$150,000.00 and \$200,000.00 per crossing. Staff has worked with representatives from the Railroad to develop a proposed agreement with the Railroad whereby the City will pay \$50,000.00 per crossing to the Railroad to repair eleven crossings plus repair the approaches. The eleven crossings (four completed and seven remaining) include the following:

- East of Arizona Avenue at: Chandler Boulevard*, Erie Street*, Ray Road*, Warner Road*, Elliot Road, Knox Road, Galveston Street, Commonwealth Avenue and Frye Road. (*completed July 2003)
- East of 56th Street at: Chandler Boulevard and Ray Road.

Construction is expected to start in February 2004 and will take approximately six months. A start date will be set once the agreement is finalized.

As part of this agreement, the City will hold in abeyance all further proceedings before the ACC concerning repairs to the eleven crossings. Upon satisfactory completion of the repair work, the City will dismiss its complaint with the ACC.

14. REAL PROPERTY ACQUISITION: 56th Street / Chandler Boulevard Res. #3697

ADOPTED Resolution No. 3697 determining that acquisition of real property needed for the improvement of the intersection of 56th Street and Chandler Boulevard is a matter of public necessity; authorizing the purchase of said real property; authorizing the condemnation proceedings as needed to acquire said real property and to obtain immediate possession thereof; and authorizing such relocation assistance as may be required by law.

On September 11, 2003, Council approved the alignment for an intersection improvement project at the intersection of 56th Street and Chandler Boulevard requiring acquisitions of real property from private property adjacent to, near or related to the roadway being improved. The real property for the project needs to be acquired as soon as possible to allow the project to proceed on schedule.

This action authorizes acquisition of the real property at fair market value either by purchase or condemnation. A reasonable negotiation period will be allowed for property purchases, after which condemnation proceedings will be initiated as needed to acquire the real property and to obtain immediate possession. Relocation assistance is authorized where required by law. The project schedule has acquisition completed or immediate possession obtained by May 18, 2004.

15. PRELIMINARY DEVELOPMENT PLAN: Sun Groves Parcel 23 (Beazer Homes)

APPROVED a Preliminary Development Plan (PDP03-0026) Sun Groves Parcel 23 Beazer Homes, for housing products for 92 lots on approximately 31 gross acres, a residential subdivision located one quarter mile north of the NWC of Val Vista Drive and Hunt Highway. (Applicant: Beazer Homes, Dave Forte.)

The property was rezoned from Agricultural (AG-1) to PAD in March 1999. Land use, lot sizes, landscaping, street standards, setbacks and subdivision diversity standards were addressed during the development's rezoning application along with the subdivision layout Preliminary Development Plan (PDP).

The development proposes to prohibit the same front elevation on adjoining homes or homes across the street. No more than two adjacent lots will have identical rear elevation rooflines visible from arterial streets. Staggered front and rear yard building setbacks for adjacent homes occur throughout the subdivision, providing a two-foot stagger every other lot. Two-story homes are limited to every third lot along Val Vista Drive and Sun Groves Boulevard. Side-by-side two-

story homes have a minimum of 20' between homes. All corner lots are limited to one-story homes.

The housing products meet the required nine architectural diversity elements and the minimum seven optional diversity elements.

Upon finding consistency with the General Plan and the Council adopted PAD zoning, the Planning Commission and Staff recommend approval subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled, "Beazer Homes – Preliminary Development Plan for Housing Product", kept on file in the City of Chandler Planning Services Division, in File No. PDP03-0026, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 2943, Case PL98-158 Sun Groves, except as modified in condition herein.
3. All homes built on corner lots within the residential subdivision shall be single-story including lots 1607, 1612, 1613, 1621, 1622, 1637, 1638, 1651, 1652, 1659, 1665, 1666, 1673, 1674, 1682, 1683 and 1698.
4. The same front elevation shall not be built side-by-side or directly across the street from one another.
5. For lots adjacent to Val Vista Drive and Sun Groves Boulevard, two-story homes are limited to every third lot.
6. When two-story homes are built on adjacent lots, a 20-foot separation shall be provided between homes.
7. No more than two adjacent lots shall have identical rear elevation rooflines visible from arterial streets.

16. PRELIMINARY DEVELOPMENT PLAN: Estates at McQueen

APPROVED a Preliminary Development Plan (PDP03-0028) Estates at McQueen, for housing products for 40 custom home lots located on approximately 20 acres one quarter-mile south of the SWC of Ocotillo and McQueen Roads. (Applicant: Palacia Homes and H & O Investments, Inc., Kayvan Sanaiha.) This property is part of the Southeast Chandler Area Plan and was rezoned in August 2000 with a Preliminary Development Plan for subdivision layout.

Because all of the lots are all larger than 12,000 square feet, the Residential Development Standards do not apply; however, the Preliminary Development Plan for housing products includes architectural design guidelines for custom homes.

A Homeowner's Association architectural review committee will review home and landscape design and materials. No particular architectural style will be required; however, the design guidelines restrict Santa Fe style homes and recommend Mediterranean, Santa Barbara, and Tuscan styles.

This development is not within the Airpark Area Plan, Airport Impact Overlay District; however, due to the development's proximity to the airport, Staff has added a condition requiring the lot developer/homebuilder to disclose the future heliport. Staff also added a condition requiring the lot developer/homebuilding to disclose the existing landfill and future transfer station.

Upon finding consistency with the General Plan and the Council adopted PAD zoning, Planning Commission and Staff recommend approval subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled, "Estates at McQueen Preliminary Development Plan", kept on file in the City of Chandler Planning Services Division, in File No. PDP03-0028, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3166, case DVR00-0003 Estates at McQueen, except as modified in condition herein.
3. No more than two adjacent lots shall have identical rooflines on the rear elevation visible from arterial streets.
4. The same elevation shall not be built side-by-side or directly across the street from one another.
5. All housing plans shall provide standard rear yard covered patios.
6. No more than two, two-story homes shall be built side-by-side.
7. When two-story homes are built on adjacent lots, a 20-foot separation shall be provided between homes.
8. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby a future heliport at the Chandler Municipal Airport that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", and CC&R's shall include a disclosure statement outlining that the site is adjacent to or nearby a future heliport and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility of notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
9. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby an existing landfill and future transfer station that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", and CC&R's shall include a disclosure statement outlining that the site is adjacent to or nearby an existing landfill and future transfer station, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or

simultaneously with executing a purchase agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

17. PRELIMINARY DEVELOPMENT PLAN: Markwood North (Trend Homes)

APPROVED a Preliminary Development Plan (PDP03-0034) Markwood North, Trend Homes, for housing products for an approximate 135-single-family residential subdivision on approximately 26 acres located east of the SEC of Queen Creek and Cooper Roads. (Applicant: Trend Homes, Kim Junkin.) The property is located in South Chandler and part of the Chandler Airpark Area Plan and was rezoned in March 2000 as part of a larger 783-lot single-family development, Markwood Farms. Housing products were not a part of this approval. Trend Homes has purchased the remaining 135 lots within Markwood North (Lots 136-141 and 277-405) and requesting housing product approval. The additional 270 lots within Markwood North were approved for housing products in March 2003. The proposed housing products, except Plans 303 and 304, were previously approved for the 270 lots.

The subdivision conforms to the 1995 subdivision standards. The design features internal and perimeter open spaces and amenities, curvilinear street system, cul-de-sacs and looped streets, arterial entry features, and perimeter theme walls.

The housing products are in conformance with the recently adopted Residential Development Standards – Architectural Diversity Elements. The development provides the nine required elements and seven optional elements; however, an optional diversity element providing three significant architectural style differences is not met for Plans 303 and 304.

The original zoning approval does not include conditions restricting two-story homes within the subdivision, but Staff is recommending conditions addressing the location of identical rooflines and two-story homes on corner lots. The application currently does not include the optional diversity element that limits the amount of two-story homes along arterial and collector streets to nor more than every third lot. Staff is recommending through a condition to limit the amount of two-story homes along arterial streets. The developer will prohibit the same front elevation on adjoining homes or homes located directly across the street from one another.

The original rezoning case, PL99-0041 and Ordinance No. 3124, includes the Airport Overlay Area zoning condition and homebuyers will be aware of the airport impact notice. Staff has added two conditions regarding disclosure of the existing landfill and future transfer station and the future heliport.

Markwood Farms zoning was approved under the 1995 Residential Development Standards. One of the standards applied to this development was providing for deeper rear yard building setbacks (30 feet) for two-story homes. The application requests a waiver from this standard, providing a 20-foot rear yard setback for housing plans with a two-story elements. Given the design of the housing products and location of the two-story element, Staff agreed to waive this requirement. This waiver was approved for the additional 270 lots within Markwood North.

Original housing plan designs for Plans 303 and 304 did not exhibit three significant architectural style differences with at least four distinct features. The applicant revised these housing plans but the changes did not achieve significant architectural style differences. The applicant presented revised exhibits for Plans 303 and 304 to the Planning Commission; however, Staff did not have an opportunity to review the proposed changes. The Development Booklet does not

include color and four-sided exhibits for Elevation B and Staff does not recommend these plans for approval. The applicant has agreed not to include Plans 303 and 304 with the PDP request.

Upon finding consistency with the General Plan and the Council adopted PAD zoning, the Planning Commission and Staff recommend approval subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Markwood North – Preliminary Development Plan" kept on file in the City of Chandler Planning Services Division, in File No. PDP03-0034, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3124, case PL99-0041 Markwood Farms, except as modified in condition herein.
3. All homes built on corner lots within the residential subdivision shall be single-story or a combination of one-and two-story homes as defined in the residential diversity elements.
4. No more than two adjacent lots shall have identical rooflines on the rear elevation visible from arterial streets.
5. The same elevation shall not be built side-by-side or directly across the street from one another.
6. All housing plans shall provide standard rear yard covered patios.
7. For those lots abutting Cooper Road and Queen Creek Road, no less than 50 percent of the homes shall be one-story and there may be no more than two side-by-side two-story homes.
8. Plans 303 and 304 are not approved as a part of this Preliminary Development Plan.
9. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby a future heliport at the Chandler Municipal Airport that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", and CC&R's shall include a disclosure statement outlining that the site is adjacent to or nearby a future heliport and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the home builder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
10. Prior to the time of making any lot reservations or subsequent sales agreements, the home building/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby an existing landfill and future transfer station that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts" and CC&R's shall include a disclosure statement outlining that the site is adjacent to or nearby an existing landfill and future transfer station and the disclosure shall state that such uses are legal

and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the home builder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

18. PRELIMINARY DEVELOPMENT PLAN: Flora Tech Building

APPROVED a Preliminary Development Plan (PDP03-0036) Flora Tech Building, for site layout and building architecture for an industrial building located at 291 E. El Prado Court, within the Westech Corporate Center. (Applicant: Winton Architects, Inc.) The property is currently vacant and maintained in a clean, weed-free condition.

The Westech Corporate Center is part of the Westech PAD that received conceptual zoning in 1985. The conceptual zoning included industrial, commercial and multi-family land uses. In 1998, the multi-family portion received PDP approval for the Biscayne Bay apartment development. The subject site is bordered by industrial zoned property on the north, south and west, and by the Union Pacific Railroad on the east.

This site is proposed for an industrial building with office and warehouse components. The company's business involves the manufacturing of ingredients for the cosmetics industry. The facility contains a manufacturing area, warehouse area and office/storage area. Two truck wells are located along the building's south side. The building's design quality and architectural treatments are comparable with recently constructed industrial buildings in Chandler.

All traffic will enter and exit off El Prado Court. The 160 parking spaces provided meets code requirements. Trees and the existing City of Chandler water storage tank screen the two proposed overhead doors and truck wells from Warner Road.

Upon finding consistency with the General Plan and PAD zoning, the Planning Commission and Staff recommend approval subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2858, in case PL98-0020 Westech PAD.
2. Development shall be in substantial conformance with the Development Booklet entitled "Flora Tech Building" kept on file in the City of Chandler Current Planning Division, in file number PDP03-0036, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

6. The parking lot screen-trees along the South and East property lines shall be placed in a combination of four-foot deep planters and ½ diamond planters. Details to be worked out with Staff.
 7. The trees along the South and East property lines shall be a mix of Thornless Chilean Mesquite and Sisso Trees.
19. PRELIMINARY DEVELOPMENT PLAN: Layton Lakes Community Recreation Center

APPROVED a Preliminary Development Plan (PDP03-0032) Layton Lakes, Community Recreation Center, for site layout and building architecture for a community recreation center on approximately 21 acres located at the SEC of Queen Creek Road and the RWCD Eastern Canal. (Applicant: Burch & Cracchiolo, PA., Ed Bull.)

The centerpiece for the Layton Lakes development is the lake system that provides for numerous recreation opportunities. The proposed PDP includes the primary lake with a heavy timber dock system and a terraced amphitheater facing the lake. Thirty parking spaces are provided with an integrated passenger pick-up and drop-off zone.

Upon finding consistency with the General Plan and PAD zoning, the Planning Commission and Staff recommend approval subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3250 in case DVR00-0025 Layton Lakes.
 2. Development shall be in substantial conformance with the Development Booklet entitled "Layton Lakes – Community Recreation Center" kept on file in the City of Chandler Current Planning Division, in file number PDP03-0032, except as modified by condition herein.
 3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
 4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
 5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
20. PRELIMINARY DEVELOPMENT PLAN: Abralee Meadows

APPROVED a Preliminary Development Plan (PDP03-0037) Abralee Meadows, for housing products for an approximate 287-lot single-family residential subdivision on approximately 105 acres located west of the SWC of Queen Creek and Gilbert Roads. (Applicant: Quentin Thornton, Sun West Communities.)

The site is located west of the southwest corner of Queen Creek Road and Gilbert Road. North and east of the property is farmed, with the recently approved Santana Ridge apartments on the south half of the east side and future commercial on the north half. South is a former dairy and

farm worker housing. West is the Markwood North subdivision proposed by Trend Homes. This site lies within the Chandler Airpark Area Plan.

Abralee Meadows was rezoned to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for the subdivision design in August 2001, which established land use, lot sizes, landscaping, street standards, setbacks and subdivision diversity standards. The subdivision has been designed with eight lots backing to Queen Creek Road, separated from the arterial road by a landscape tract approximately 100 feet deep. The applicant has agreed to limit the number of two-story homes along the arterial street to not more than every third lot. Each home's two-story elements will be 20' apart to decrease the impact of two-story massing. All homes built on corners lots are required to be single-story.

The original rezoning case includes the Airport Overlay Area zoning condition and homebuyers will be aware of the airport impact notice. The Sun West Communities product meets the updated Residential Development Standards, including all nine required standards and nine optional standards. Diversity elements include the prohibition of the same elevation on any adjoining lots or those across the street from each other. Additional project details and developer representations are contained within the Development Booklet.

Upon finding consistency with the General Plan and previously approved Planned Area Development zoning, the Planning Commission and Staff recommend approval of the Preliminary Development Plan for housing products subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3297, in case DVR01-0020 Abralee Meadow, except as modified by condition herein.
2. Development shall be in substantial conformance with the Development Booklet entitled "Abralee Meadows aka Sun West Trails" kept on file in the City of Chandler Current Planning Division, in file number PDP03-0037, except as modified by condition herein.
3. The same front elevation shall not be built on adjacent or opposite lots.
4. Staggered front and rear building setbacks for adjacent house locations shall occur throughout the entire subdivision.
5. For lots adjacent to Queen Creek Road, Emmett Drive, and Markwood Drive two-story homes are limited to every third lot.
6. When two-story homes are built on adjacent lots, a 20-foot separation of the two-story elements shall be provided between homes.
7. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby a future heliport at the Chandler Municipal Airport that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts" and CC&R's shall include a disclosure statement outlining that the site is adjacent to or nearby a future heliport and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and

sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the home builder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

8. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby an existing landfill and future transfer station that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts" and CC&R's shall include a disclosure statement outlining that the site is adjacent to or nearby an existing landfill and future transfer station, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the home builder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

21. ALIGNMENT: Chandler Blvd – Nebraska to Colorado & Arizona Ave - Buffalo to Detroit

APPROVED the alignment for Chandler Boulevard from Nebraska Street to Colorado Street and Arizona Avenue from Buffalo to Detroit Street. Council approval of the alignment and major project features is needed because the project as recommended involves right-of-way acquisition which will require a separate Council action.

This project consists of designing and constructing Chandler Boulevard to a major six-lane arterial street. It also reconstructs the intersection of Arizona Avenue and Chandler Boulevard to major arterial intersection standards with single left turn lanes, right turn lanes, far side bus bays, three thru lanes, bus rapid transit lanes and traffic signal improvements. Also included will be a southbound right turn lane at Buffalo Street. Construction will require the purchase of additional right-of-way and temporary construction easements as depicted in the 2001 Chandler Transportation Plan.

The project has been presented at the Downtown Chandler Community Partnership meeting, a public meeting regarding development of Site 7, the downtown merchants meeting, coordination meeting with the Chandler Unified School District and a December 3rd public meeting. General issues include potential road closures, lane restrictions, use of raised versus flush medians, sound impacts, traffic flow patterns and location of right turn lanes which will be addressed by Staff during the final design of the project.

Final design and right-of-way acquisition will be completed over the next 14 months with construction scheduled to begin in the spring of 2005.

22. INTERGOVERNMENTAL AGREEMENT: Fire Dispatch Services

APPROVED an Intergovernmental Agreement with the City of Phoenix and the FY 2003/04 appropriation of \$233,967.00 for fire dispatch services. This amount includes an increase of \$69,329.25 over the FY 2002/03 contract amount partially attributed to the addition of new equipment or services at the Chandler Fire Department. The City of Phoenix has also instituted a general maintenance fee for recovering costs incurred by them. The existing contract charged a fee for "Technical Services Fee" which included installation, scheduled replacement of

equipment and maintenance. This fee has not sufficiently covered the costs of all three areas. The new agreement separates out the maintenance portion of the services provided and adds a "General Maintenance Fee" to the contract.

In 2001, council adopted a \$250,000.00 on-going budget for dispatch services. These amounts have been \$151,513.00 and \$169,598.00 respectively over the past two fiscal years. The maintenance fee now being implemented by Phoenix was anticipated but not charged the past two years. Including the maintenance fees, the proposed contract amount of \$233,967.00 remains under the budgeted amount of \$250,000.00.

Phoenix presented justification for the maintenance fee at the Phoenix Regional Dispatch meeting and all cities in attendance accepted the addition to the contract.

23. PARK NAMING: Emma Arbuckle Park

APPROVED naming of the future Rancho Del Ray park site "Emma Arbuckle Park" in honor of Mrs. Arbuckle's contribution to the history of Chandler. The park site is directly south of Chandler Gilbert Community College on Pecos Road. The Parks and Recreation Board voted in favor of the naming.

24. CDBG FUNDS: FY 2004/2005 Allocations

APPROVED the following allocations for FY 2004/05 CDBG (Community Development Block Grant) funds as recommended by Staff and the Housing and Redevelopment Committee (HARC):

- I. Social Service Programs – These programs include all requests from social service agencies, whether they be for operations or capital improvements.
 1. Up to 15% of the City's Annual CDBG Entitlement may be allocated to CDBG eligible public service activities (which includes requests for operating funds) and up to 10% of the City's annual CDBG Entitlement may be allocated to social service capital requests.
 2. Within the Social Service Category, the following program areas may be given preferences:
 - a. Education and/or Job Training.
 - b. Neighborhood Preservation/Planning
 - c. Homeless Prevention/Basic Needs
 - d. Youth Programs/Senior Programs
 3. The following service areas may be given preference when considering allocation of FY 2004/05 CDBG funds:
 - a. First Preference – Programs exclusive to the Chandler Redevelopment Area
 - b. Second Preference – Programs exclusive to the City of Chandler
 - c. Third Preference – Programs outside the City of Chandler, which as a project have a client base of no less than 50% residents of the City of Chandler.
 4. When considering allocation of CDBG funds to eligible projects, preference generally is given to those programs that provide non-CDBG contribution to a project's operation, implementation and/or administration.

- II. Downtown Development Activities – This category includes requests for funds from programs/projects, which directly impact the aesthetic and economic atmosphere of Downtown Chandler (area defined as District One in the Redevelopment Plan Update of 1995).
 - 1. No more than 25% of the City's Annual CDBG Entitlement may be allocated to this category.
 - 2. When considering allocation of CDBG funds to eligible projects, preference generally is given to those programs that provide non-CDBG contribution to a project's operation, implementation and/or administration.
 - 3. Applicants for funding in this category must demonstrate how a project will continue to enhance the aesthetic or economic atmosphere of Downtown Chandler after project completion.
 - 4. Preference will be given to capital requests.
 - 5. Applicants for these funds must demonstrate and document significant, long-term benefit to the Chandler Redevelopment Area as a result of their project (i.e. Increase Tax Base/Elimination of Blighting Influences).
- III. Neighborhood Activities – This category includes requests for funds for activities that directly impact the appearance of neighborhoods in the Chandler Redevelopment Area.
 - 1. No less than 45% of the City's Annual CDBG Entitlement may be allocated to this category.
 - 2. Preference will be given to capital projects.
 - 3. Focus will be placed on housing programs (i.e. Housing Rehabilitation).
 - 4. Preference will be given to those programs that directly impact neighborhoods in or adjacent to the Downtown Square.
- IV. Program Administration – This category includes those costs related to the administration of the City's Community Development Block Grant Program and may not include costs associated with implementing individual programs and projects.
*No more than 15% of the City's Annual CDBG Entitlement will be allocated to this category.

The City annually receives in excess of \$1,000,000.00 from the U.S. Department of Housing and Urban Development for its Community Development Block Grant (CDBG) Program. The Housing and Redevelopment Committee (HARC) is charged with the responsibility of recommending allocation of the CDBG funds to Mayor and Council. As part of the allocation process, HARC sets priorities to be used as guidance in determining the aforementioned recommendations to the Mayor and Council. The public allocation process begins in February with the Mayor and Council deciding on final funding recommendations in April of 2004. Public meetings were held November 5 and 12, 2003 to obtain input from residents primarily in those neighborhoods in and around Downtown. The priorities are unchanged from the previous year.

All costs associated with the CDBG program are paid by the Federal Government and do not require repayment on the part of the City of Chandler.

25. AGREEMENTS: Investment Management Services

APPROVED contracts with M&I Investment Management Corp. and Wells Capital Management for investment management services for one year with options for four one-year renewals. Historically, the City has invested bond proceeds and investable funds in Local Government Investment Pools (LGIP) managed by the Office of the State Treasurer. The Chandler Cultural Foundation has invested their endowment fund in the LGIP as well.

Subsequent to the City's exposure to the LGIP investment in National Century Financial Enterprises (NCFE), the City decided it would be prudent to exercise more oversight in our investing activities. In order to diversify our investments, have more control over where the funds are invested, earn higher returns and receive other related advisory services, the City plans to divert a portion of our investment funds and the entire Chandler Cultural Foundation endowment fund from the LGIP to other investment management services providers.

The Chandler Cultural Foundation will only utilize the services of M&I Investment Management Corp. to provide their investment management services. Fees will be withheld from investment earnings, so there will be no impact to the City of Chandler or Chandler Cultural Foundation general ledger accounts other than recording investment earnings. M&I Investment Management Corp. will combine the City and Chandler Cultural Foundation account balances for purposes of calculating the fee. These fee schedules are based on investments backed by the full faith and credit of the U.S. Government.

26. CONSTRUCTION CONTRACT CHANGE ORDER: Turner Construction, Inc.

ACCEPTED the report to Council on staff approved Change Order No. 1 in the amount of \$48,071.00 for minor site building upgrades and APPROVED Change Order No. 2 in the amount of \$27,024.00 for a 4 inch reclaimed water line for a total increase of \$75,095.00 to the construction contract with Turner Construction, Inc. for the McQueen Road City Maintenance Complex, 1800 S. McQueen Road, Project No. ST0138-401, for a revised total contract of \$8,594,899.00. Also authorized the Department Director to approve additional change orders consistent with City Code.

27. JOB ORDER CONTRACT: Sun Eagle Corporation

APPROVED contractor selection and a one-year Job Order Contract (JOC) in an amount not to exceed \$1,000,000.00 with the option of two one-year extensions, to Sun Eagle Corporation. In September 2000, the City Council adopted an amendment to the City Code allowing the City to use new alternative contracting procedures, which included Job Ordering Contracting (JOC). Because of the success of the first JOC contracts issued, Staff advertised for additional annual JOC's. This action awards a new Job Order Contract for general construction.

Project Agreements establishing the cost, time and scope of work, will be executed when individual projects or Job Orders are issued. If the cost of the job exceeds \$50,000.00, the project agreement will be submitted to Council for approval.

28. CONSTRUCTION CONTRACT: Hunter Contracting Co.

APPROVED a construction contract with Hunter Contracting Co. for the Surface Water Treatment Plant Equipping of Filter No. 12, Project No. WA0323-401, in the amount of \$576,260.00. The Surface Water Treatment Plant was last expanded in 1997. This expansion included the

construction of filter No. 12's concrete structure, but was not equipped. The equipping of filter no. 12 is now necessary to meet the water production demands during the peak summer months and to meet water quality requirements. The project will be completed in June of 2004.

29. DESIGN CONSULTANT SERVICES CONTRACT: Deutsch Associates

APPROVED a design consultant services contract with Deutsch Associates for the McQueen Road City Maintenance Complex – Street Buildings, Project No. ST0405-201, in an amount not to exceed \$151,393.00. The City of Chandler's continued growth has increased infrastructure requirements for the Street Maintenance and Street Sweeping Divisions of Public Works. These facilities were included in the master plan for the McQueen Road City Maintenance Complex.

The proposed facility consists of Street Maintenance and Street Sweeping offices, including shared facilities for Streets and Traffic personnel for reception, training and break rooms, showers, locker and restroom facilities, covered storage buildings, and additional parking. Building appearances will match and compliment adjacent buildings at the yard site.

30. ENGINEERING SERVICES CONTRACT: Camp Dresser & McKee, Inc. (CDM)

APPROVED an engineering services contract with Camp Dresser & McKee, Inc. (CDM) for construction management of the Surface Water Treatment Plant Equipping of Filter No. 12, Project No. WA0323-451, in an amount not to exceed \$99,000.00. The Surface Water Treatment Plant was last expanded in 1997. This expansion included the construction of filter No. 12's concrete structure, but was not equipped. The equipping of filter no. 12 is now necessary to meet the water production demands during the peak summer months and to meet water quality requirements. The project will be completed in June of 2004.

31. PROFESSIONAL SERVICES AGREEMENT: Community Services of Arizona

APPROVED a professional services agreement with Community Services of Arizona in an amount not to exceed \$31,500.00 for the operation of the Community Action Program (CAP) and not to exceed \$22,000.00 for the Senior Nutritional Programs.

Community Service of Arizona has been operating Chandler's Community Action Program (CAP) since 1981. During that time, Community Services of Arizona has been extremely successful in obtaining substantial third party funding to assist the operation of Chandler's CAP office. Funds have been used to provide significant financial assistance to Chandler's low and moderate-income population. Chandler CAP provides basic needs programs to low-income citizens. The CAP office is located at 77 West Chicago Street and serves in excess of 2,400 Chandler families annually.

Community Services of Arizona has also been operating the Senior Nutritional Program since 1986. This program provides congregate and home delivered meals at a minimal suggested donation cost to eligible seniors. During fiscal year 2002/03, 15,338 congregate and 11,473 home delivered meals were provided to eligible seniors living in Chandler.

Due to decreased funding from grants and other sources and an increased need for Chandler CAP services and the Senior Nutritional Program, Community Services of Arizona requested funding from the City to assist them in providing these services to eligible Chandler residents. A contract was negotiated stating that Community Services of Arizona will provide congregate meals, home delivered meals and Chandler CAP services for the fiscal year 2003/04. As part of

the 2003/04 budget process, the City Council allocated \$31,500.00 in one time funds for the CAP. The Council amended the Community Services budget to include \$22,000.00 in ongoing funds for the Senior Nutritional Program.

32. CONTRACT: Century Graphics

APPROVED a contract with Century Graphics for design, printing and distribution of the Break Time Magazine in an amount not to exceed \$80,000.00. Break Time contains information about the recreational, cultural programs and classes offered to the general public by the Community Services Department and is distributed quarterly to approximately 72,000 Chandler residents through zip code distribution by the post office.

33. CONTRACT EXTENSION: Devau Human Resources

EXTENDED a contract with Devau Human Resources for temporary contract employment services in an amount not to exceed \$1,275,000.00. Contract employees are utilized by the Community Services Department to fill temporary positions such as class instructors, coaches and sign language interpreters, park maintenance, swim coaches, library aides, C.O.R.E. teachers and production assistants. Contract employees are also utilized by other City departments that require specialty positions not available through the temporary agencies under state contract. The contract was originally established when the IRS determined in December 1992 that a number of contract employees used by city departments should be appointed temporary employees. It was determined that it would be in the best interest of the City to contract with a temporary employment agency for the provision of those employee services.

34. PURCHASE: Copiers

APPROVED a contract with A.B. Dick Products to purchase copiers, utilizing the Mohave Educational Services (MESOC) contract, in the amount of \$66,200.00 and with Baystone Financial Group to finance the lease of the copiers. The Chandler Public Library offers black and white photocopiers for customer use and customers pay cost recovery for this service. Under a contract that expires in December 2003, the library leases the necessary equipment for this service from Xerox who also provides service, maintenance and all of the supplies for the equipment. Xerox retains all revenue generated by the service. Xerox offered to renew the contract for a monthly minimum charge of \$5,207 for a 60-month term. The Library opted to purchase the copiers and service through a lease arrangement, using the Mohave Educational Services Cooperative contract for a minimum monthly charge of \$1,103 over a 60-month term. In addition, the Library retains all the revenues from the service, which will be deposited into the City general fund. This contract includes maintenance, service and all supplies except paper.

Mohave Educational Services Cooperative charges a 1% fee for use of their contract. The use of their contract eliminates the cost of going out to bid, reduces the lead-time in obtaining the products and results in a lower overall cost due to MESOC purchasing power.

35. PURCHASE: Turf Mower

APPROVED the purchase of a replacement turf mower for use at the Snedigar Sportsplex from Simpson Norton Corporation, utilizing the Mohave Educational Service Cooperative (MESOC), in the amount of \$45,524.43. The Chandler Parks Division currently uses equipment #665 for the turf mowing of 20 acres at the Snedigar Sportsplex. This mower was originally purchased in 1990 and is need of extensive repair. The cost of repair exceeds the value of the mower. The

Parks Division recommends that a new mower be purchased to replace equipment #665. Staff evaluated several mowers and determined that the mower to be purchased meets the specifications required to keep the turf at Snedigar maintained efficiently.

Mohave Educational Services Cooperative charges a 1% fee for use of their contract. The use of their contract eliminates the cost of going out to bid, reduces the lead-time in obtaining the products and results in a lower overall cost due to MESC purchasing power.

36. PURCHASE: Playground Equipment

APPROVED the purchase and installation of playground equipment at Price Park and Stonegate Park, utilizing the City of Phoenix contract, from Micon Construction in the amount of \$79,043.74. Price Park and Stonegate Park were originally constructed in 1985 and 1988 respectively. The playground equipment at both parks is the original equipment. Over the past year, Community Services staff has received numerous requests to upgrade the playground equipment at these parks. Because of the age and limited playability of these playgrounds, it has been determined that the existing playground equipment needs to be completely removed and replaced.

The City of Phoenix awarded Micon Construction a two-year contract to provide and install Miracle Recreation Equipment. The contract contains a section extending the terms and conditions to other municipalities, school districts and government agencies of the State of Arizona. The use of this contract eliminates the cost of going out to bid, reduces the lead time in obtaining the products and results in a lower overall cost. Prices include an approximate 38% discount.

37. PURCHASE: Vehicles

APPROVED the purchase of vehicles from Bill Luke Dodge (\$165,453), Valley Kawasaki (\$47,673), Midway Chevrolet (\$31,278), Five Star Ford (468,091) and Courtesy Chevrolet (\$384,609), utilizing the State of Arizona contract, in a combined estimated amount of \$1,097,100.61. Various City Departments are requesting the purchase of vehicles. The requested vehicles have been bid by the State Purchasing Office. By utilizing the State contract, the City of Chandler will save the costs associated with the bid process. The City will also share in the fleet incentives offered on the State contract.

38. USE PERMIT EXTENSION: Valley Christian High School

APPROVED a Use Permit (UP03-0036) extension for Valley Christian High School for continued placement of a modular building at 6900 W. Galveston Street. (Applicant: Allan Alvarado, Valley Christian High School; Owner: Valley Christian High School.)

Valley Christian High School was originally zoned in 1993 with Preliminary Development Plan approval for the present site plan granted in 1995. The existing Use Permit was approved in 2000 permitting the modular building's installation adding four classrooms. In 2000, the school anticipated the need would be for three years. Due to the increase in student population, these additional classrooms are still required. The school anticipates the modular building and classrooms will be needed for an additional five years. The long-term plans are to build a classroom addition and fine arts center on the property where the modular building is located. The existing landscaping was installed anticipating the future building's larger footprint which provides for no landscaping immediately adjacent to the modular building.

This request was noticed in accordance with the requirements of the Chandler Zoning Code and staff has received one phone call inquiring about the location of the building.

Upon finding consistency with the General Plan and previously approved zoning for the Valley Christian High School, the Planning Commission and Staff recommend approval subject to the following conditions:

1. The Use Permit shall remain in effect for five (5) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to the City of Chandler and approval by the City of Chandler.
2. Substantial expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.

39. USE PERMIT: Mi Amigo's Foodmart

APPROVED a Use Permit (UP03-0049) Mi Amigo's Foodmart, to sell liquor (beer and wine) for off-premise consumption only (Series 10 License) at an existing convenience store at 500 E. Chandler Blvd. Suite 2. (Applicant: Haryut Kirakosian.)

The existing food market is located along Chandler Boulevard on property zoned Regional Commercial District (C-3). The food market is a general corner grocery store serving the immediate community and also sells general retail items such as beverages and snacks. It employs one full-time person and is open daily from 8 a.m. to 9 p.m.

The request was noticed according to the provisions of the City of Chandler Zoning Code. Staff has received one phone call from a neighbor who was opposed to the use stating that liquor sales at Wingfoot Market approximately ¼ mile east was adequate for the area. There has been no contact from neighboring business owners. The Police Department has been informed of the application and has responded with no issues or concerns.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval of the Use Permit subject to the following conditions:

1. The Use Permit is for a Series 10 license only and any change in type of license shall require reapplication and new Use Permit approval.
2. The Use Permit is not transferable to any other store location.
3. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.

40. LIQUOR LICENSE: Mi Amigo's Foodmart

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #300000613) for Arutun Harry Kirakosian, Agent, A Amigo Foodmart, Inc., dba Mi Amigo's Foodmart, at 500 E. Chandler Boulevard. Recommendation for approval of State Liquor License #10074629 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

41. LIQUOR LICENSE: La Stalla

APPROVED a Series 12 Restaurant Liquor License (Chandler #300000617) for Paolo P. Vetrati, Agent, La Stalla LLC, dba La Stalla, at 68 W. Buffalo Street. Recommendation for approval of State Liquor License #12075676 will be forwarded to the State Liquor Department. This application reflects a change in ownership; however, Planning and Development advise that a new Use Permit is not required as this will be a continuation of the location's previous use as Blue Adobe Grille. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

42. LIQUOR LICENSE: Homewood Suites

APPROVED a Series 7 Beer and Wine Bar Liquor License (Chandler #300000618) for John Franklin Griffith, Jr., Agent, Promus Hotel Services, Inc., dba Homewood Suites, at 7373 W. Detroit Street. Recommendation for approval of State Liquor License #07070621 will be forwarded to the State Liquor Department. This application reflects a change in ownership; however, Planning and Development advise that a new Use Permit is not required as this will be a continuation of the location's previous use as Homewood Suites. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

43. CONDOMINIUM PLAT: Focus Corporate Plaza

APPROVED a Condominium Plat (CPT03-0003) Focus Corporate Plaza, for a three office subdivision located on 4.4 acres on the south side of Chandler Boulevard between the Hartford Street and Iowa Street alignment and adjacent to the San Marcos Golf Course creating individual offices that will be sold or leased to owners or tenants. (Applicant: Fairways Main Partners, L.L.C.)

44. CONDOMINIUM PLAT: Warner Gateway Office Park Phase I

APPROVED a Condominium Plat (CPT03-0004) Warner Gateway Office Park Phase I, for a two office subdivision located on 6.3 acres at the SWC of Warner Road and Saba Street creating sellable office spaces along with a tract for future office building development. (Applicant: Warner Commercial, L.L.C.)

45. CONDOMINIUM PLAT: EVMedical/Dental Condominium II

APPROVED a Condominium Plat (CPT03-0005) EV Medical/Dental Condominium II, for an office subdivision located at the SEC of Dobson Road and Galveston Street replatting Lot 4 of the East Valley Medical/Dental office development into a different building configuration. The interior individual office space is being reconfigured in response to a particular sale. No exterior changes will be made to the building. (Applicant: The EV Med, L.L.C.)

46. REPLAT FINAL PLAT: Lantana Ranch Marketplace

APPROVED a Final Plat Replat (FPT03-0066) Lantana Ranch Marketplace, for a commercial subdivision located at the NEC of McQueen and Ocotillo Roads. (Applicant: Evergreen-Lantana, L.L.C.) This subdivision is for a commercial shopping center in South Chandler creating five lots

to include the major tenant (Safeway) and the additional shop spaces and freestanding pads. The plat creates the lots and tracts, establishes the necessary easements, and dedicates the required rights-of-way.

47. FINAL PLAT: Adobe Towers

APPROVED a Final Plat (FPT03-0014) Adobe Towers, for a 14-lot single-family subdivision located at 1250 West Ray Road. (Applicant: John Makarchuk, Adobe Towers Ltd.) The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

48. FINAL PLAT: Campo Verde

APPROVED a Final Plat (FPT03-0032) Campo Verde, for a single-family subdivision located at the SEC of Frye and Alma School Roads. (Applicant: Frye Road A.S., L.L.C.) The development includes a centralized common open space and public streets. The plat creates the lots and tracts, establishes the necessary easements, and dedicates the required rights-of-way.

49. SEIZURE OF BID BOND: Diversified Utility Construction, Inc.

WITHDREW, as requested by Staff, a request to proceed with bid bond seizure in the amount of \$10,156.00 for failure to execute a construction contract. Diversified Utility Construction indicated they would pay \$10,156.00, which is equal to the bid bond amount. Once the payment is received, the City will inform the bond company that the matter has been resolved.

50. SUBORDINATION: 201 S. Washington Street

SUBORDINATED the Community Development Block Grant lien on property located at 201 S. Washington Street and owned by Improving Chandler Area Neighborhoods (ICAN). The property was purchased in part with Chandler CDBG funds in 1998 and is the location of the ICAN Youth Center. A lien in the amount of \$24,478.00 was placed on the property at the time. CDBG funds were used to secure a private loan by ICAN to purchase the property. This lien is in the form of a 10-year forgivable loan, whereby if ICAN operates the center for the benefit of low-income youth in Chandler for a period of ten years, the entire amount is forgiven.

ICAN has applied for a loan to refinance their current first mortgage in order to reduce their monthly payments. The total amount of the new first mortgage would be \$178,493.26. In order to obtain the loan, a subordination of the City's lien is required by the lending institution.

The City's lien is currently in second position and will remain in that position after the new loan. The value of the property was appraised at \$415,000.00 which is more than the combined encumbrances of the City's lien and the new first mortgage.

Councilmember Bruno declared a conflict of interest.

51. INTERGOVERNMENTAL AGREEMENT: Justice Court Facility

APPROVED an Intergovernmental Agreement providing for the City to convey at no cost to Maricopa County, title to property for the purpose of constructing two Justice Courts initially, with

an option for another adjacent property in the event Maricopa County elects to construct additional courts. The property is located at 249 E. Chicago Street.

The City Operations Yard is currently located at 249 E. Chicago Street. With the opening of the new McQueen Road City Maintenance Complex at 1800 S. McQueen Road, many of the divisions at the Operations Yard on Chicago Street will be relocated providing the required space for a new Justice Court facility.

Initially, the City will deed over to the County, land for two Justice Courts. Should the County agree to expand the courts to four, there is additional land that the City would deed to them. The deed will contain a provision that title will revert to the City in the event that the County does not commence construction within two years of the date the City conveys title to the County.

The City will demolish all aboveground structures by July 1, 2004. The County will accept title on an "As Is" basis and will be responsible for all construction costs for its facility and for costs of maintaining and operating the facility. In addition, the County is required to submit site plans, landscaping plans, drainage and grading plans and architecture plans to the City for approval prior to construction. Staff would approve this administratively. The City retains a Right of First Refusal to repurchase the properties exclusive of any improvements for one dollar (\$1.00) in the event the County ceases to use the property.

52. See Public Hearing #2.

53. REAL PROPERTY ACQUISITION/DEDICATION: Desert Breeze Park Res. #3593

ADOPTED Resolution No. 3593 authorizing and approving the purchase of approximately 3.37 acres of real property located south of Desert Breeze Park on the east side of Desert Breeze Boulevard, at a cost of \$660,587.40 plus closing costs; and authorized and approved the dedication to the City of an additional 2.5 acres of real property (the "Drainage Parcel") for park use and a 0.196 acre parcel for road right-of-way for Desert Breeze Boulevard.

D.P. Management Services, Inc., the developer of Chandler Corporate Center located at the NWC of Chandler Boulevard and McClintock Road, obtained approval for a Preliminary Development Plan and Master Design Guidelines (PDP003-031) dated December 1, 2001.

Pursuant to the requirement of the Preliminary Development Agreement, D.P. Management Services, Inc. will sell 3.37 acres of land adjacent to the southeast boundary of Desert Breeze Park on the east side of Desert Breeze Boulevard to the City at fair market value for a cost of \$660,587.40 (\$4.50 per square foot), and to dedicate a drainage parcel consisting of approximately 2.5 acres of land to the City. The drainage parcel is located adjacent to and east of the above parcel. The parcel will be used as a drainage area for a portion of D.P. Management Services' Chandler Corporate Center property that is adjacent to the east. The City will be responsible for landscaping the drainage parcel.

The Preliminary Development Plan also requires the owner to dedicate, landscape and construct improvements within a fifty (50) foot wide strip of land along the north side of the project (adjacent to Desert Breeze Boulevard). The owner will be required to complete the dedication prior to obtaining building permits and to construct the improvements as part of the first phase of the development. Staff continues to support this requirement.

Unrelated to the Preliminary Development Plan, D.P. Management Services, Inc. has agreed to dedicate a 0.196 acre parcel for road right-of-way for Desert Breeze Boulevard adjacent to the park parcel.

54. DEVELOPMENT AGREEMENT AMENDMENT: Qwest Corporation

APPROVED Amendment No. 1 to the Qwest – City of Chandler Development Agreement for property located at the SEC of Oregon Street and Chandler Boulevard. The current development agreement does not permit Qwest to expand and improve its downtown office until property just north of its current site is remediated. The property to the north of Qwest's existing site was previously used as a gas station and is being remediated by the former gas station operator. Qwest has no direct control over the remediation.

Qwest would like to commence improvements on its existing site, which is not contaminated, and the improvements planned by Qwest will not impede the remedial efforts on the property north of their site. Pursuant to the Qwest-City of Chandler Development Agreement, Qwest will convey the property to the north of its site to the City for \$246,348.00 once it is remediated and will receive approximately \$103,000.00 in reimbursements to cover a portion of certain public parking and colonnade improvements to be constructed by Qwest.

Under the Amendment, the parking improvements to be constructed will be delayed until remediation is completed as this construction could impede remediation of the property to be conveyed to the City. Additional, offsite parking needed to support the Qwest expansion will be provided by the City on land owned by the City until Qwest can complete the parking improvements. Because of the approximately \$350,000.00 in funds to be received by Qwest upon remediation of the property to be conveyed to the City, Staff believes that there is still adequate incentive for Qwest to continue to push to get the site remediated without stalling development that should be beneficial to the downtown area. The purpose of the Amendment is to permit Qwest to initiate improvements to its current site prior to completion of remediation to the north of this site.

55. SETTLEMENT: Willis Junior High School

APPROVED settlement of Claim No. 03-232 for the sum of \$100,788.03 and authorized the Risk Manager to sign any necessary documents in such form as are approved by the City Attorney. The claim is a result of water damage to the gym floor at Willis Junior High School after a basketball ricocheted off the wall and hit a sprinkler head causing it to break. The damage occurred during a City of Chandler recreational program.

ACTION AGENDA:

39. Approved on the consent agenda.

40. Approved on the consent agenda.

PUBLIC HEARINGS:

PH #1: Annexation: Queen Creek Road Right-of-Way

Mayor Dunn declared the public hearing open at 7:48 p.m.

PLANNER THOMAS RITZ stated that the proposed annexation represents dedication of a future right-of-way as part of the Queen Creek Road improvements for the Layton Lakes subdivision. The Layton Lakes subdivision is being developed both in the City of Chandler and Town of Gilbert. As part of the development process, Queen Creek Road will be improved to City street standards. Due to a 1988 Intergovernmental Agreement between the City of Chandler and Town of Gilbert, and agreements with the Layton family and each municipality, Chandler has agreed to annex the ultimate entire Queen Creek Road right-of-way within the subdivision.

One step in the process of annexing the ultimate Queen Creek Road right-of-way is the annexation of existing Maricopa County right-of-way as well as private property being dedicated to the City. The first step was Chandler annexing the south side of Queen Creek Road. Other steps include the Town of Gilbert de-annexing the north site of Queen Creek Road and the Maricopa County Board of Supervisors approving the annexation and de-annexation actions. The annexation incorporates all property required for the Queen Creek Road right-of-way into the City.

A portion of the proposed annexation is the existing Queen Creek Road pavement and right-of-way with the north portion being currently vacant. West of the proposed annexation is the Eastern Canal. All other property surrounding this annexation is vacant or farmed and will be developed as part of the Layton Lakes subdivision.

There being no speakers wishing to comment on this item, Mayor Dunn declared the public hearing closed at 7:49 p.m.

PH #2: Redevelopment Plan: Site 7 Downtown Chandler

Mayor Dunn declared the public hearing open at 7:49 p.m.

ECONOMIC DEVELOPMENT DIRECTOR GARRETT NEWLAND stated that this public hearing is for the redevelopment plan for Site 7 in downtown Chandler bounded by Chandler Boulevard to the north, Buffalo Street to the south, Arizona Avenue on the west and Colorado Street on the east. State Statute requires municipalities to prepare redevelopment plans for redevelopment project areas that must be reviewed by the City Council for findings of feasibility and conformity with the municipality's General Plan.

In 1984 and 1986, the City adopted resolutions declaring certain areas of the community as slum or blighted areas in need of redevelopment, allowing the use of redevelopment authority in these areas. These areas were reaffirmed as slum and blight areas in the 1995 Redevelopment Area Plan. The Chandler General Plan adopted in 2001 includes a Conservation, Rehabilitation and Redevelopment Element, which summarizes without replacing the 1995 Redevelopment Area Plan.

The intent of the Site 7 Redevelopment Plan is to leverage public resources to induce private investment in the creation of a vibrant downtown with a visually appealing northern gateway. The plan anticipates a redevelopment project intended to increase the number of residents in the area which will increase the patronage of downtown merchants and retail services increasing the retail tax base and to provide quality residential facilities to eliminate existing slum conditions. The project is also intended to provide additional retail opportunities and potential sites for office uses while enhancing the property tax base for the City.

The site is a critical component of future downtown redevelopment plans as it serves as the gateway to downtown. The Planning and Zoning Commission reviewed the Site 7 Redevelopment Plan for conformance with the General Plan and recommended approval. The Commission also recommended that office designation be added to the Retail designation for the western most portion of the Site 7 area. The developer, Benton-Robb Development Associates, LLP plans to construct town homes and commercial/office development on the site in the near future.

Public Notification was made as required in ARS §36-1479.

TONY DIBONITO, 501 E. Ray Rd, #167, asked what would happen if we do not spend the money or approve the project? Mr. Newland responded that without City Council approval, the project would not occur.

FRANK PEAKE, 825 W. Queen Creek Rd., thanked this Council, previous Councils and Garrett Newland for their tireless work on this project, which is vital to the redevelopment and vitality of downtown

COUNCILMEMBER WALLACE also thanked Mr. Newland for his work on this project.

There being no further speakers wishing to comment on this item, Mayor Dunn declared the public hearing closed at 7:51 p.m.

52. REDEVELOPMENT PLAN: Site 7

Res. #3698

A MOTION was made by VICE-MAYOR HUGGINS to adopt RESOLUTION #3698 authorizing a Redevelopment Plan for the Site 7 Redevelopment Project Area in Downtown Chandler and making related findings as required by Arizona Law. The MOTION WAS SECONDED by COUNCILMEMBER ANDERSON. Motion carried unanimously 7-0.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that CITY MANAGER MARK PENTZ will begin his new position on January 20, 2004. Mr. Pentz will be coming from Rockville, MD.

POLICE CHIEF SHERRY KIYLER will be starting with the City of Chandler on February 2, 2004. She has 30-years of experience with the Phoenix Police Department and has a very impressive career.

THE MAYOR thanked Interim City Manager Pat McDermott and Acting Police Chief Neuman for serving in interim positions.

MAYOR DUNN announce the new on-line feature to pay utility bills via computer. He thanked Staff for their work in getting this project up and running and encouraged citizens to use the feature.

THE MAYOR thanked the members of the Citizen's Bond Committee for their dedicated work. Their recommendations will be presented to Council in January for consideration.

THE MAYOR thanked Staff and Council for their work during the past year for the City of Chandler. He wished everyone a happy holiday.

B. Councilmembers' Announcements:

VICE-MAYOR HUGGINS commented on the outstanding selection of the new Police Chief. Vice-Mayor Huggins also commended Mr. McDermott for the good job he has done as interim City Manager.

COUNCILMEMBER CACCAMO wished very a Merry Christmas, Happy Hanukkah and a Good New Year.

COUNCILMEMBER ANDERSON announced that on Christmas Day, Fox 10 television will be airing the Chandler High School Chorale and the Hamilton High School Choir beginning at 5:00 a.m. and is repeated at 8:45 a.m. and encouraged everyone to watch.

COUNCILMEMBER WALLACE thanked Staff for their support. She also thanked Pat McDermott and Dave Neuman for their interim work. She attended the Maricopa County Community College Board meeting at Chandler-Gilbert Community College where CAPA Director Nachie Marquez spoke on the partnership with the City of Chandler. Various community organizations were represented and expressed their needs through the college. Councilmember Wallace also wished everyone a happy holiday season and encouraged everyone to extend a helping hand to those in need.

COUNCILMEMBER BRUNO echoed previous comments made regarding jobs done by Pat McDermott and Dave Neuman. She also thanked Staff for their work in developing Chandler. Councilmember Bruno wished everyone a happy holiday and invited everyone to attend the Diamonds and Denim fundraiser to be held New Year's Eve at the San Marcos.

COUNCILMEMBER WESTBROOKS also echoed previous comments by other Councilmembers.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 8:10 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: _____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 18th day of December 2003. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of _____, 2004.

City Clerk